



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**PUBLIC UTILITIES ACT**

**(CHAPTER 261)**

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# Public Utilities Act

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

#### Section

1. Short title
2. Interpretation

### PART II

#### RECONSTITUTION, FUNCTIONS, DUTIES AND POWERS OF BOARD

3. Reconstitution of Board
4. Common seal
5. Constitution of Board
6. Functions and duties of Board
7. Powers of Board
8. Directions by Minister
9. Furnishing of documents and information to Board
10. Appointment of Chief Executive and other employees, etc.
11. Public servants
12. Protection from personal liability
13. Power to borrow
- 13A. Issue of shares, etc.
14. Duty of Board in financial matters
15. Annual estimates
16. Power of investment
17. Financial provisions
18. Annual report
19. Symbol or representation of Board

### PART III

#### WATER UNDERTAKING OF BOARD AND WATER SERVICE WORKERS

20. Tariffs for supply of water and apparatus, etc., payable to Board
21. Board may supply water

## Section

22. Board may require security
23. Board may cut off supply of water in default of payment
24. Power to enter upon premises for survey, inspection, etc.
- 24A. Power to enter premises for installation of pipes, water installations, etc.
- 24B. Board may act in cases of emergency
25. Recovery of moneys due to Board
26. Relocation of water installation
27. Board may stop or interrupt supply of water
28. Board may reduce supply of water
29. Property of Board not to be subject to distress or taken in execution
30. Apparatus, appliances, etc., let for hire by Board not to be subject to distress or taken in execution
31. Power to enter premises to examine pipes, etc.
32. Power to enter upon premises adjacent to works
33. Removal of obstruction over existing water main or connecting pipe
34. Notice of obstruction of pipe or other apparatus to be given to Board
35. Penalty or late payment charge
36. Contribution towards capital outlay to provide water supply
37. General provisions relating to discontinuation of supply of water
38. Board in executing works to provide convenient ways, etc.
39. Entry into Board's premises without consent, etc.
40. Licensing of water service worker

## PART IV

## SUPPLY OF PIPED WATER FOR HUMAN CONSUMPTION

41. Supply of piped water for human consumption with approval of Board
42. Compliance with requirements by approved person
43. Suspension of approval
44. Exclusion of liability for Board

## PART V

## OFFENCES

45. Maintenance of water service installation
46. Duties of person laying pipes

## Section

- 47.    Damage to property of Board
- 47A.    Damage to water mains and installations, etc.
- 48.    Compensation for damaging property of Board
- 49.    Falsely pretending to be employee of Board
- 50.    Unauthorised connection with main, contamination, wastage, etc.
- 51.    Penalty for obstructing Board in its duty
- 52.    Making of false statements, etc.
- 53.    Certificate of Chief Executive to be evidence of certain facts
- 54.    Jurisdiction of court
- 55.    Police officer, authorised officer or authorised person may require evidence of identity in certain cases
- 55A.    Power to examine and secure attendance
- 55B.    Power to enter and investigate
- 56.    Offences committed by bodies corporate, etc.
- 56A.    Liability for offence committed by agent or employee
- 57.    Duty to enquire before excavation
- 58.    General penalties
- 59.    Composition of offences

## PART VI

## TRANSFER TO BOARD OF PROPERTY, LIABILITIES AND EMPLOYEES

- 60.    Transfer to Board of property, assets and liabilities
- 61.    Transfer of employees
- 62.    Pension rights, etc., of Government employees to be preserved
- 63.    No benefits in respect of abolition or reorganisation of office
- 64.    Existing contracts
- 65.    Continuation and completion of disciplinary proceedings
- 66.    Misconduct or neglect of duty by employee before transfer

## PART VII

## MISCELLANEOUS

- 67.    Property of Board not fixtures
- 68.    Powers of arrest
- 68A.    Compensation, damages, costs and expenses to be determined by Magistrate's Court or District Court
- 69.    General exemption
- 70.    Service of documents

## Section

- 71. Evidence
  - 72. Regulations
  - 73. Transitional provisions
  - 74. References in other written law
    - First Schedule — Constitution and proceedings of Board
    - Second Schedule — Powers of Board
    - Third Schedule — Financial provisions
- 

An Act to reconstitute the Public Utilities Board and for matters connected therewith.

[1st April 2001]

## PART I

## PRELIMINARY

**Short title**

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

**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;

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

“authorised officer” means an officer or employee of the Board, or an officer of any other statutory authority, authorised by the Board under section 10(6);

[Act 9 of 2012 wef 01/09/2012]

“Board” means the Public Utilities Board reconstituted under the Public Utilities Act (Cap. 261, 1996 Ed.) in force before 1st April 2001 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;
- “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. 294);

“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);

*[Act 9 of 2012 wef 01/09/2012]*

“waterway” means a navigable river, conduit or drain.

*[Act 9 of 2012 wef 01/09/2012]*

## PART II

### RECONSTITUTION, FUNCTIONS, DUTIES AND POWERS OF BOARD

#### **Reconstitution of Board**

**3.** As from 1st April 2001, 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 1st April 2001, 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;
- (da) collect and treat used water;
- (e) promote water conservation;

*[Act 9 of 2012 wef 01/09/2012]*

(f) act as an agent of the Government in the construction, management and maintenance of all or any part of any of the following which belongs to the Government:

- (i) public sewerage systems;
- (ii) public sewers;
- (iii) storm water drainage systems, drains and drainage reserves;
- (iv) any boat transfer facility or barrage in or connecting to any reservoir;

*[Act 9 of 2012 wef 01/09/2012]*

(g) regulate the construction, maintenance, improvement, operation and use of sewerage and land drainage systems;

*[Act 9 of 2012 wef 01/09/2012]*

(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;

*[Act 9 of 2012 wef 01/09/2012]*

(ja) regulate and manage activities in and around reservoirs, catchment areas and waterways maintained by the Board; and

*[Act 9 of 2012 wef 01/09/2012]*

(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. 294).

### **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, etc.**

**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.

(6) The Board may, from time to time, appoint and authorise in writing —

- (a) any officer or employee of the Board, or any officer of any other statutory authority, to be an authorised officer for the purposes of this Act; and
- (b) any authorised officer or other person to perform any particular function or duty or to exercise any particular power under this Act, subject to such conditions or limitations as the Board may specify.

*[Act 9 of 2012 wef 01/09/2012]*

### **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.—(1)** For the discharge of its functions or duties under this Act or any other written law, the Board may, from time to time, raise loans from the Government or, with the approval of the Minister, raise loans within or outside Singapore from such source as the Minister may direct by —

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

- (b) charge, whether legal or equitable, on any property vested in the Board or on any other revenue receivable by the Board under this Act or any other written law; or
- (c) the creation and issue of bonds or any other instrument as the Minister may approve.

(2) For the purposes of this section, the power to raise loans shall include the power to make any financial agreement whereby credit facilities are granted to the Board for the purchase of goods, materials or things.

*[39/2004 wef 08/10/2004]*

### **Issue of shares, etc.**

**13A.** As a consequence of the vesting of any property, rights or liabilities of the Government in the Board under this Act, or of any capital injection or other investment by the Government in the Board in accordance with any written law, the Board shall issue such shares or other securities to the Minister for Finance as that Minister may from time to time direct.

*[5/2002]*

### **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*.

### **Power of investment**

16. The Board may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).

*[45/2004 wef 15/12/2004]*

### **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 such symbol or representation 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, etc., payable to Board**

**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.

*[Act 9 of 2012 wef 01/02/2013]*

(1A) Subject to section 14, for the purpose of determining the price to be charged for the supply of water by it, the Board may take into consideration all costs incurred in enabling it to so supply the water, including (but not limited to) the following:

- (a) the collection of water from any source, whether water from any natural source, used water (including sewage, waste matter and effluent) or otherwise;
- (b) the purchase of water from any source;
- (c) the storage of water;
- (d) the treatment of water to the standards necessary for the use for which the water is required;
- (e) the supply of water to any premises;
- (f) the maintenance of any system employed in the collection, storage, treatment or supply of water;
- (g) ensuring the quality, safety and security of the water supply.

*[Act 9 of 2012 wef 01/02/2013]*

(1B) In determining the price to be charged for the supply of water by the Board, subsection (1A) shall not permit the Board to take into consideration —

- (a) the costs in connection with any activity referred to in that subsection if an amount of tax is payable in relation to that same activity under subsection (4) (whether by the same person paying the price or otherwise); or

- (b) any costs borne by the Government or by the Board on behalf of the Government.

*[Act 9 of 2012 wef 01/02/2013]*

(1C) For the purposes of subsection (1), the Board may prescribe different prices for persons differently situated, including different prices for different volumes of water supplied.

*[Act 9 of 2012 wef 01/02/2013]*

(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.

(4) There shall be paid to the Board a waterborne tax for the discharge of the Board's functions in relation to used water (including sewage, waste matter and effluent) and sewerage, and the waterborne tax shall be of such amount and payable at such times as the Minister may, by order published in the *Gazette*, prescribe.

*[Act 9 of 2012 wef 01/02/2013]*

(5) For the purposes of subsection (4), the Minister may prescribe different amounts of the waterborne tax for persons differently situated.

*[Act 9 of 2012 wef 01/02/2013]*

(6) The waterborne tax shall be payable by —

- (a) an occupier of premises (including the Government); or
- (b) where the premises are vacant, the owner of the premises (including the Government).

*[Act 9 of 2012 wef 01/02/2013]*

(7) In determining the amount of the waterborne tax payable by any person, the Minister may base the calculation of the tax on all or any of the following:

- (a) the number of sanitary appliances which are installed in the premises;
- (b) the amount of water supplied to the premises;
- (c) any estimate of the amount of used water (including sewage, waste matter and effluent) disposed of.

*[Act 9 of 2012 wef 01/02/2013]*

(8) The waterborne tax collected under this section shall be paid into the funds of the Board.

*[Act 9 of 2012 wef 01/02/2013]*

(9) Without prejudice to section 25, any waterborne tax payable under this section may be recovered by the Board as a civil debt due to the Board.

*[Act 9 of 2012 wef 01/02/2013]*

(10) The Board may, with the approval of the Minister, grant any person or class of persons such amount of rebate on the waterborne tax as the Board may determine.

*[Act 9 of 2012 wef 01/02/2013]*

### **Board may supply water**

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

*[Act 9 of 2012 wef 01/09/2012]*

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

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

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

*[Act 9 of 2012 wef 01/09/2012]*

(3) The Board may, in its discretion, refuse to give, or may discontinue, a supply of water to any premises 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.

*[Act 9 of 2012 wef 01/09/2012]*

(4) Without prejudice to subsection (3), the Board may, in its discretion —

- (a) refuse to enter into an agreement for the supply; or  
(b) enter into an agreement for a reduced supply,

of water that is not for human consumption to any premises, where the Board is of the opinion that it is impracticable or uneconomical to supply the water to those premises.

*[Act 9 of 2012 wef 01/09/2012]*

(5) The Board shall not be liable for any loss or damage caused to any person by —

- (a) any refusal or discontinuance of the supply of water under subsection (3); or  
(b) any refusal to enter into an agreement for the supply of water, or entering into an agreement for a reduced supply of water, under subsection (4).

*[Act 9 of 2012 wef 01/09/2012]*

### **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 any premises at all reasonable hours in the day or night, or at such other time as may be agreed with the owner or occupier of the 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.

*[Act 9 of 2012 wef 01/09/2012]*

(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 inspection at any time of the day or night, 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.

*[Act 9 of 2012 wef 01/09/2012]*

### **Power to enter premises for installation of pipes, water installations, etc.**

**24A.**—(1) The Board may, for the purposes of this Act, by its employees, agents or contractors, enter any premises at all reasonable hours in the day or night, or at such other time as may be agreed with the owner or occupier of the premises, for all or any of the following purposes:

- (a) to lay or install under, over, in, on or through the premises, such mains, pipes, water installations or water service installations as the Board considers necessary for the supply of water to those or other premises;
- (b) to inspect, maintain, adjust, repair or alter any such main, pipe, water installation or water service installation referred to in paragraph (a);
- (c) to carry out any works requisite for, or incidental to, the purposes of any works falling within paragraph (a) or (b), including —
  - (i) excavating any premises, sewer or drain;
  - (ii) tunnelling or boring under any premises, sewer or drain;
  - (iii) removing or using all earth and materials in or under any premises, sewer or drain; and
  - (iv) erecting, placing or installing any equipment or apparatus in or under any premises.

(2) In carrying out any of the works under this section, the Board shall cause as little damage as possible and shall repair or make reasonable compensation for any damage done to the affected premises.

(3) Except as provided under subsection (2), the Board shall not be liable to pay any person any fee, charge or expense on account of such entry to any premises or of anything done to the premises under this section.

(4) The Board shall, before entering any premises for the purposes specified in subsection (1), give at least 14 days' written notice to the owner or occupier of the premises, stating as fully and accurately as possible the nature and extent of the works intended to be done.

(5) The owner or occupier of the premises may, within 14 days after receiving the notice referred to in subsection (4), lodge a written objection with the Minister.

(6) If no objection is lodged within the time specified in subsection (5), the Board may forthwith enter the premises and do all or any of the works specified in the notice under subsection (4).

(7) If an objection is lodged and is not withdrawn before the date fixed for the hearing thereof, the Minister shall inquire into the matter, giving each party an opportunity to be heard, and the Board shall not enter the premises or carry out the works specified in the notice under subsection (4) until the Minister so authorises at the conclusion of the inquiry.

(8) Upon the conclusion of the inquiry, the Minister may authorise, either unconditionally or subject to such terms, conditions and stipulations as he thinks fit, the entry to the premises and the carrying out of any of the works specified in the notice under subsection (4), and the decision of the Minister shall be final.

(9) The Board may serve a notice on the owner or supplier of any gas, electricity, water or telecommunication services —

(a) to alter the course or position of any wire, line, cable, pipe, tube, casing, duct, post, structure or other apparatus which belongs to that owner or supplier or is maintained by that owner or supplier if, in the opinion of the Board, such alteration is required for the purposes of subsection (1); and

(b) to repair any premises thereby disturbed,

and where any approval of a statutory authority is required for that alteration, to do so in accordance with that approval.

(10) The Board may give notice to the owner or occupier of any premises requiring him to remove any object or structure described in the notice which is erected on or attached to, or projects from, the premises if, in the opinion of the Board, the removal of the object or structure is required for any of the purposes specified in subsection (1).

(11) Any costs and expenses reasonably incurred by the owner, supplier or occupier in complying with any notice under subsection (9) or (10) shall be borne by the Board.

*[Act 9 of 2012 wef 01/09/2012]*



**Board may act in cases of emergency**

**24B.** Notwithstanding anything in section 24, 24A, 31, 32 or 33, where the Board considers that immediate action is necessary —

- (a) upon the occurrence of an emergency, fire or excessive drought;
- (b) because the quality of water supplied fails to meet the standards required by the Board;
- (c) to facilitate the repair, alteration, replacement or maintenance of any main, installation or water installation;
- (d) to avoid undue interference with the supply of water to consumers;
- (e) to conserve water supply; or
- (f) in the interests of public safety or for other reasons affecting public interest,

the Board may immediately and without notice enter any premises and carry out, or direct the immediate execution of, any work or the doing of any act, being any work or act authorised under any of those sections, which is in the opinion of the Board necessary for the service or safety of the public.

*[Act 9 of 2012 wef 01/09/2012]*

**Recovery of moneys due to Board**

**25.—**(1) If the amount of any tax under this Act or 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.

*[Act 9 of 2012 wef 01/02/2013]*

(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;
- (aa) if the quality of water supplied fails to meet the standards required by the Board;  
*[Act 9 of 2012 wef 01/09/2012]*
- (b) if this is necessary to facilitate the repair or replacement of any main, installation or water installation, construction of new works, alteration to or maintenance of existing works, or the installation, changing or removal of any meter;  
*[Act 9 of 2012 wef 01/09/2012]*
- (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, agents or contractors, at all reasonable hours in the day or night, or at such other time as may be agreed with the owner or occupier of the premises, 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.

*[Act 9 of 2012 wef 01/09/2012]*

(2) The Board may by its employees, agents or contractors, at all reasonable hours in the day or night, or at such other time as may be agreed with the owner or occupier of the premises, 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).

*[Act 9 of 2012 wef 01/09/2012]*

(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 reasonable 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.

*[Act 9 of 2012 wef 01/09/2012]*

(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, charge or tax payable under this Act.

*[Act 9 of 2012 wef 01/02/2013]*

### **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; 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) *[Deleted by Act 9 of 2012 wef 01/09/2012]*

(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.

(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, whenever the Board so requires, engage 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.

*[Act 9 of 2012 wef 01/09/2012]*

(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.—**(1) Any person who, whether wilfully or otherwise, 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.

*[Act 9 of 2012 wef 01/09/2012]*

(2) In any proceedings for an offence under subsection (1), it shall be a defence for the person charged under that subsection to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence, but this defence shall not be available to any person who may be liable by virtue of section 56A.

*[Act 9 of 2012 wef 01/09/2012]*

(3) If it appears to the Board that there has been a contravention of subsection (1), the Board may, by notice in writing, require any person who has done any of the acts referred to in that subsection or such other person who may be liable under that subsection by virtue of section 56A (referred to in this section as the person in default) to carry out such works as may be necessary to restore the property to its original condition, or to replace it, within such time as may be specified in the notice.

*[Act 9 of 2012 wef 01/09/2012]*

(4) If the Board is of the opinion that immediate action is necessary or expedient or that the property cannot be restored by the person in default, the Board may, instead of issuing the notice under subsection (3) —

- (a) carry out such works as are necessary to restore the property to its original condition, or replace the property; and
- (b) recover in a court of competent jurisdiction as a debt due to it all expenses reasonably incurred in doing so from the person in default.

*[Act 9 of 2012 wef 01/09/2012]*

(5) If the person to whom a notice is given under subsection (3) fails to comply with the notice within the time specified, the Board may carry out the works specified in the notice in such manner as it thinks fit and recover in a court of competent jurisdiction as a debt due to it all expenses reasonably incurred in doing so from the person in default.

*[Act 9 of 2012 wef 01/09/2012]*

(6) Without prejudice to the right of the Board to exercise its powers under subsection (5), any person who, without reasonable excuse, fails to comply with a notice given to him under subsection (3) shall be guilty of an offence.

*[Act 9 of 2012 wef 01/09/2012]*

### **Damage to water mains and installations, etc.**

**47A.—**(1) Any person who, whether wilfully or otherwise, removes, destroys or damages or causes or permits to be removed, destroyed or damaged, any water main belonging to or under the management or control of the Board, shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 3 months or to both; or
- (b) if the water main is 300 mm or more in diameter, to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) Any person who, whether wilfully or otherwise, removes, destroys or damages or causes or permits to be removed, destroyed or damaged any part of —

- (a) an installation or water installation which supplies water to the Board; or
- (b) an installation or water installation belonging to or under the management or control of the Board,

and thereby interferes with the production or supply of water by that installation or water installation, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) In any proceedings for an offence under subsection (1) or (2), it shall be a defence for the person charged under either of those subsections to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence, but this defence shall not be available to any person who may be liable by virtue of section 56A.



(4) If it appears to the Board that there has been a contravention of subsection (1) or (2), the Board may, by notice in writing, require any person who has done any of the acts referred to in subsection (1) or (2) or such other person who may be liable under either of those subsections by virtue of section 56A (referred to in this section as the person in default) to carry out such works as may be necessary to restore the water main, installation or water installation to its original condition, or to replace it, within such time as may be specified in the notice.

(5) If the Board is of the opinion that immediate action is necessary or expedient or that the water main, installation or water installation cannot be restored by the person in default, the Board may, instead of issuing the notice under subsection (4) —

- (a) carry out such works as are necessary to restore the water main, installation or water installation to its original condition, or replace it; and
- (b) recover in a court of competent jurisdiction as a debt due to it all expenses reasonably incurred in doing so from the person in default.

(6) If the person to whom a notice is given under subsection (4) fails to comply with the notice within the time specified, the Board may carry out the works specified in the notice in such manner as it thinks fit and recover in a court of competent jurisdiction as a debt due to it all expenses reasonably incurred in doing so from the person in default.

(7) Without prejudice to the right of the Board to exercise its powers under subsection (6), any person who, without reasonable excuse, fails to comply with a notice given to him under subsection (4) shall be guilty of an offence.

*[Act 9 of 2012 wef 01/09/2012]*

### **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) whether wilfully or otherwise, does any act which interferes with or disrupts the supply of the water of the Board,

*[Act 9 of 2012 wef 01/09/2012]*

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.

(4) In any proceedings for an offence under subsection (1) or (2)(b) or (c), it shall be a defence for the person charged under any of those provisions (but not by virtue of section 56A) to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

*[Act 9 of 2012 wef 01/09/2012]*

**Penalty for obstructing Board in its duty**

**51.** Any person who —

- (a) hinders or obstructs the Board, any employee, agent or contractor of the Board, any authorised officer or other person authorised by the Board 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
- (b) interferes with any work authorised to be done under this Act,

shall be guilty of an offence.

*[Act 9 of 2012 wef 01/09/2012]*

**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 court**

**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 shall have power to impose the full penalty or punishment in respect of any offence under this Act.

### **Police officer, authorised officer or authorised person may require evidence of identity in certain cases**

**55.—(1)** Any police officer, authorised officer or such other person as may be authorised by the Board for the purposes of this section (referred to in this section as an authorised person) 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, authorised officer or authorised person, as the case may be.

*[Act 9 of 2012 wef 01/09/2012]*

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

*[Act 9 of 2012 wef 01/09/2012]*

(3) Any person who —

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

*[Act 9 of 2012 wef 01/09/2012]*

(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.

### **Power to examine and secure attendance**

**55A.—(1)** An authorised officer may do all or any of the following:

(a) issue a written order requiring anyone within the limits of Singapore, who appears to be acquainted with any of the

facts and circumstances of matters under this Act, to attend before him, and that person shall attend as required;

- (b) examine orally any person who appears to be acquainted with the facts and circumstances of matters under this Act —
  - (i) whether before or after that person or anyone else is charged with an offence in connection with the matter; and
  - (ii) whether or not that person is to be called as a witness in any inquiry, trial, or other proceeding in connection with the matter;
- (c) require any person to furnish any information or produce any document in the possession of that person in connection with the matter, and may, without payment, inspect, keep, copy or make extracts from such document.

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

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

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

(4) If any person fails to attend as required by an order under subsection (1), the Board may report such failure to a Magistrate who may then, in his discretion, issue a warrant ordering the person to attend.

*[Act 9 of 2012 wef 01/09/2012]*

### **Power to enter and investigate**

**55B.** If an authorised officer has reasonable grounds to suspect that an offence under this Act has been committed, he may, at any time

without notice, enter any premises and do all or any of the following for the purpose of investigating the suspected offence under this Act:

- (a) search the premises and take possession of any thing found therein and reasonably believed to be connected to the commission of the offence;
- (b) require the production of records, certificates, notices and documents relating or reasonably believed to relate to the offence, wherever and by whomsoever kept, and take and retain extracts or copies thereof;
- (c) take and retain samples of any materials (whether solid, liquid, gaseous or vapour) found for the purpose of analysis;
- (d) take such photographs as the authorised officer thinks necessary for the purposes of the investigation;
- (e) require any person whom the authorised officer finds in the premises to produce his identity card or other identification papers for inspection for the purpose of the investigation.

*[Act 9 of 2012 wef 01/09/2012]*

### **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.

### **Liability for offence committed by agent or employee**

**56A.** Where an offence under this Act is committed by any person acting as an agent or employee of another person, or being otherwise subject to the supervision or instruction of another person for the purposes of any employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the first-mentioned person, be liable for that offence in the same

manner and to the same extent as if he had personally committed the offence unless he proves to the satisfaction of the court that the offence was committed without his consent or connivance and that it was not attributable to any neglect on his part.

*[Act 9 of 2012 wef 01/09/2012]*

### **Duty to enquire before excavation**

**57.**—(1) Any person who digs, bores, trenches, grades, excavates, tunnels or breaks any ground with any mechanical equipment, tool or explosive, or allows his employee or agent to do so, without first —

- (a) obtaining from the Board the relevant plans or records to ascertain the location of any main or pipe belonging to or under the management or control of the Board that may be interfered with by such works;
- (b) carrying out trial trenches to physically ascertain the location of any such main or pipe that may be interfered with by such works; and
- (c) complying with such other requirements as the Board may specify to protect any such main or pipe within the vicinity of such works,

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.

(2) For the purpose of subsection (1)(a), any person may, upon payment of the prescribed fee, be permitted to inspect and take copies of the relevant plans or records maintained by or on behalf of the Board.

*[Act 9 of 2012 wef 01/09/2012]*

### **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 1st April 2001, 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 1st April 2001 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 1st April 2001, whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have effect as from that date 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 1st April 2001 a reference to the Board.

### **Transfer of employees**

**61.**—(1) As from 1st April 2001, all persons employed immediately before that date 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 pension, gratuity 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 1st April 2001 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 date 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 1st April 2001 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 1st April 2001 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, ruling or decision had been made thereon, the committee shall complete the hearing or investigation and shall make such order, ruling or direction as it could have made under the authority vested in it before that date.

(3) Any order, ruling or direction made 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 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, or acquired by the Board,

shall continue to remain the property of the Board and shall not vest in the owner of the premises.

*[Act 9 of 2012 wef 01/09/2012]*

### **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.

### **Compensation, damages, costs and expenses to be determined by Magistrate's Court or District Court**

**68A.**—(1) Except as otherwise provided, in all cases where compensation, damages, fees, costs or expenses are provided under this Act to be paid, the amount and, if necessary, the apportionment of the amount and any question of liability shall, in case of dispute, or failure to pay, be summarily ascertained and determined by a Magistrate's Court or, if the amount claimed exceeds the Magistrate's Court limit, by a District Court.

(2) In any proceeding under subsection (1), the Magistrate's Court or the District Court may —

- (a) inquire whether those expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings;
- (b) make such order concerning the expenses or their apportionment as appears to the Court to be just; and

- (c) where those expenses were incurred by the Board in carrying out any works under section 33(2)(b), 47(4) or (5) or 47A(5) or (6), inquire whether it was reasonable to carry out those works.

(3) A Magistrate's Court or a District Court shall not order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings unless the Court is satisfied that the other person has had due notice of the proceedings and an opportunity of being heard.

(4) If the amount of compensation, damages, fees, costs or expenses is not paid by the party liable to pay it within 7 days after demand, that amount may be reported to a Magistrate's Court or a District Court and recovered in the same way as if it were a fine imposed by a Magistrate's Court or a District Court, as the case may be.

(5) An appeal shall lie to the High Court from any decision of a Magistrate's Court or a District Court under this section, and the provisions of the Criminal Procedure Code 2010 (Act 15 of 2010) shall apply, with the necessary modifications, to all such appeals.

*[Act 9 of 2012 wef 01/09/2012]*

### **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) in relation to the regulation of activities in and around reservoirs and waterways maintained by the Board —
  - (i) the manner in which reservoirs and waterways may be used, and the designating of areas and granting of permits for such uses;
  - (ii) the types of vessels which may be operated in the reservoirs and waterways, the permits required for such operation, the terms and conditions upon which, and the circumstances in which, those permits may be granted, held, suspended, cancelled, altered, extended,

renewed or replaced, and the fees payable in respect thereof;

- (iii) the equipment to be carried on such vessels and the insurance and safety requirements for such vessels;
- (iv) the qualifications for operators of such vessels;
- (v) the safety of navigation, the prevention of collisions and the reporting of accidents in reservoirs and waterways; and
- (vi) the use of any boat transfer facility in or connecting to any reservoir and the fees payable in respect thereof;

*[Act 9 of 2012 wef 01/09/2012]*

- (o) the prescribing of fees and charges for the purposes of this Act or any other written law administered by the Board or for the carrying out of any function of the Board.

*[Act 9 of 2012 wef 01/09/2012]*

(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*.

### **Transitional provisions**

**73.**—(1) All acts done by the Board before 1st April 2001 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.

(2) Where anything has been commenced by or on behalf of the Board before 1st April 2001, such thing may be carried on and completed by or under the authority of the Board.

(3) Subject to subsection (5), any scheme, contract, document, licence, permission or resolution prepared, made, granted or approved

by the Board under the repealed Public Utilities Act (Cap. 261, 1996 Ed.) 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.

(4) Any subsidiary legislation made under the repealed Public Utilities Act and in force immediately before 1st April 2001 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.

(5) Notwithstanding the repeal of the Public Utilities Act (Cap. 261, 1996 Ed.), as from 1st April 2001 and for such period as the Minister for Trade and Industry may determine —

- (a) 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;
- (b) all licences granted before 1st April 2001 under section 38 and Part VIII of that Act shall continue to be valid and in force.
- (c) for the purposes of this subsection, the references to the Minister and the Board in —
  - (i) 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; and
  - (ii) the licences granted before 1st April 2001 under section 38 and Part VIII of that Act,shall be read as references to the Minister for Trade and Industry and the Energy Market Authority of Singapore respectively; and
- (d) for the purposes of this subsection, the Minister for Trade and Industry may make regulations to provide for any other

transitional, incidental and consequential matters arising from the repeal of the Public Utilities Act.

(6) Notwithstanding the repeal of the Public Utilities Act, as from 1st April 2001, 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 1st April 2001 under the Sewerage and Drainage Act (Cap. 294) in force before that date 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 1st April 2001, 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 1st April 2001 under the Sewerage and Drainage Act in force before that date 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 charged with the responsibility for the environment 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, 1996 Ed.) 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.

## 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 fails to attend 3 consecutive meetings of the Board without sufficient cause (the sufficiency thereof to be decided by 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) The quorum at every meeting of the Board shall be one-third of the total number of members or 3 members, whichever is the higher; and no business shall be transacted unless a quorum is present.

*[25/2009 wef 15/01/2010]*

(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.

FIRST SCHEDULE — *continued***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.

(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. [*Deleted by Act 9 of 2012 wef 01/09/2012*]

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 lines or pipes or of examining, testing, measuring, directing or controlling the



SECOND SCHEDULE — *continued*

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 April of each year and end on 31st March of the succeeding year, except that the financial year of the Board for the year 2006 shall begin on 1st January 2006 and end on 31st March 2007.

*[2/2007 wef 01/03/2007]*

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.

LEGISLATIVE HISTORY  
PUBLIC UTILITIES ACT  
(CHAPTER 261)

This Legislative History is provided for the convenience of users of the Public Utilities Act. It is not part of the Act.

**1. Act 26 of 1995 — Public Utilities Act 1995**

Date of First Reading : 25 May 1995  
(Bill No. 20/1995 published on  
4 August 1995)

Date of Second and Third Readings : 7 July 1995

Date of commencement : 1 October 1995

**2. 1996 Revised Edition — Public Utilities Act**

Date of operation : 30 April 1996

**3. Act 8 of 2001 — Public Utilities Act 2001**

Date of First Reading : 22 February 2001  
(Bill No. 7/2001 published on  
23 February 2001)

Date of Second and Third Readings : 16 March 2001

Date of commencement : 1 April 2001

**4. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002**  
(Consequential amendments made by)

Date of First Reading : 3 May 2002  
(Bill No. 7/2002 published on  
4 May 2002)

Date of Second and Third Readings : 24 May 2002

Date of commencement : 15 July 2002

**5. 2002 Revised Edition — Public Utilities Act**

Date of operation : 31 July 2002

**6. Act 39 of 2004 — Public Utilities (Amendment) Act 2004**

Date of First Reading : 1 September 2004  
(Bill No. 38/2004 published on  
2 September 2004)

Date of Second and Third Readings : 21 September 2004

Date of commencement : 8 October 2004

**7. Act 45 of 2004 — Trustees (Amendment) Act 2004**

Date of First Reading : 21 September 2004  
(Bill No. 43/2004 published on  
22 September 2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 15 December 2004

**8. Act 2 of 2007 — Statutes (Miscellaneous Amendments) Act 2007**

Date of First Reading : 8 November 2006  
(Bill No. 14/2006 published on  
9 November 2006)

Date of Second and Third Readings : 22 January 2007

Date of commencement : 1st March 2007 (Except  
sections 6, 8 and 11)

**9. Act 25 of 2009 — Quorums of Statutory Boards (Miscellaneous Amendments) Act 2009**

Date of First Reading : 14 September 2009  
(Bill No. 19/2009 published on  
14 September 2009)

Date of Second and Third Readings : 19 October 2009

Date of commencement : 15 January 2010

**10. Act 9 of 2012 — Public Utilities (Amendment) Act 2012**

Date of First Reading : 8 March 2012  
(Bill No. 7/2012 published on  
8 March 2012)

Date of Second and Third Readings : 9 April 2012

Date of commencement : 1 September 2012

**11. Act 9 of 2012 — Public Utilities (Amendment) Act 2012**

Date of First Reading : 8 March 2012  
(Bill No. 7/2012 published on  
8 March 2012)

Date of Second and Third Readings : 9 April 2012

Date of commencement : 1 February 2013

COMPARATIVE TABLE  
PUBLIC UTILITIES ACT  
(CHAPTER 261)

The following provisions in the Public Utilities Act 2001 (Act 8 of 2001) have been renumbered by the Law Revision Commissioners in this 2002 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Public Utilities Act.

<b>2002 Ed.</b>	<b>Act 8 of 2001</b>
<i>Omitted</i>	<b>73—(1)</b>
<b>73—(1)</b>	(2)
(2)	(3)
(3)	(4)
(4)	(5)
(5)	(6)
(6)	(7)
(7)	(8)
(8)	(9)
(9)	(10)
(10)	(11)