

THE STATUTES OF THE REPUBLIC OF SINGAPORE

PUBLIC UTILITIES ACT 2001

2020 REVISED EDITION

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Public Utilities Act 2001

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

[1 April 2001]

PART 1

PRELIMINARY

Short title

1. This Act is the Public Utilities Act 2001.

Interpretation

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

"AMI meter" or "Advanced Metering Infrastructure meter" means —

(*a*) a meter that can transmit information to the Board by means of telecommunications; and

(*b*) a meter, and a device which is associated with or ancillary to that meter and which —

(i) is capable of converting mechanical readings to digital data, where applicable; and

(ii) enables information to be transmitted to the Board, or received by the meter, by means of telecommunications;

"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 suitable for drinking;

"authorised officer" means an officer or employee of the Board, or an officer of any other statutory authority, authorised by the Board;

"Board" means the Public Utilities Board reconstituted under the Public Utilities Act (Cap. 261, 1996 Revised Edition) in force before 1 April 2001 and continued by section 3;

"Chairperson" means the Chairperson of the Board and includes any temporary Chairperson of the Board;

"Chief Executive" means the Chief Executive of the Board, and includes any individual acting in that capacity;

"Coastal and Flood Protection Fund" means the fund of that name established under section 18;

"coastal hazard" means any of the following:

(*a*) beach or foreshore erosion;

(*b*) coastal slope instability;

(*c*) coastal inundation;

(*d*) tidal inundation;

(*e*) erosion and inundation of the coastal zone caused by tidal waters and the action of waves, including the interaction of those waters with catchment floodwaters;

"coastal management" includes the protection, conservation, rehabilitation and management of the coastal zone to mitigate current and future risks from coastal hazards, taking into account the effects of climate change;

"coastal zone" means any of the following in Singapore:

(*a*) littoral beaches, foreshores, tidal wetlands, estuaries, coastal swamps, mangrove areas, littoral forests or minor coastal streams, whether or not of a saline, freshwater or brackish nature;

(*b*) all other areas at risk of being affected by coastal hazards, taking into account the effects of climate change;

"connecting pipe" means a pipe from a water main to the meter position;

"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 Chairperson" means the Deputy Chairperson of the Board and includes any temporary Deputy Chairperson of the Board;

"discharge pipe" means a pipe that enables any sewage or sullage water to be conveyed from a sanitary appliance or floor trap to a drain-line;

"drain-line" has the meaning given by section 2 of the Sewerage and Drainage Act 1999;

"extract", in relation to water, means to take or intercept water from any place or sea, within the territorial limits of Singapore, using works constructed under an approval of the Board under section 31 of the Sewerage and Drainage Act 1999;

[Act 27 of 2023 wef 01/01/2024]

"extracted water" means water that has been extracted;

[Act 27 of 2023 wef 01/01/2024]

"foreshore" means the land lying between the high-water mark and low-water mark of the sea as is ordinarily covered and uncovered by the flow and ebb of the tide at spring tides;

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

"licensed plumber" means an individual who holds a plumber's licence;

"limited WSI design works" means the designing of any water service installation that is to be installed downstream of a meter, where the water service installation being designed does not include any pumping equipment or storage tank;

"main" means a pipe through which water is or can be supplied or conveyed, 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;

"meter" —

(*a*) means any appliance or device to measure, ascertain or regulate the amount of water taken from a supply or conveyance of water to any place; and

(*b*) includes an AMI meter;

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

"plumber's licence" means a licence granted under section 40J;

"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;

"professional engineer" means an individual who is registered as a professional engineer under the Professional Engineers Act 1991 and has in force a practising certificate issued under that Act;

"regulated works" means any sanitary works, limited WSI design works or WSI works, but does not include any of such works as the Minister may, after consulting the Board, prescribe by order in the *Gazette*;

"sanitary appliances" and "sanitary facilities" have the meanings given by section 2 of the Sewerage and Drainage Act 1999;

"sanitary works" means —

(*a*) constructing, altering, repairing, replacing, discontinuing or closing up any discharge pipe, ventilating pipe, drain-line, fitting, floor trap,

inspection chamber, grease trap, pump or any other appurtenance related to the conveyance of sewage or sullage water from any sanitary appliance or sanitary facility to a sewerage system; and

(*b*) installing, fixing, altering, repairing or removing a sanitary appliance or sanitary facility, and any other connected works;

"sewage" and "sewerage system" have the meanings given by section 2 of the Sewerage and Drainage Act 1999;

"storage tank" means any tank or storage cistern that has a free water surface under atmospheric pressure, but does not include —

(*a*) a flushing cistern; or

(*b*) a drinking-trough or drinking-bowl for animals (including poultry);

"street" includes —

(*a*) any road, highway, square, footway or passage, whether a thoroughfare or not, over which the public has a right of way;

(*b*) the way over any public bridge;

(*c*) any road, footway or passage, open court or open alley, used or intended to be used as a means of access to 2 or more holdings, whether the public has a right of way over it or not; and

(*d*) all channels, sewers, drains, tunnels, ditches and reserves at the side of a street;

"telecommunications" has the meaning given by section 2 of the Telecommunications Act 1999;

"ventilating pipe" means a pipe provided to limit the pressure fluctuations in any discharge pipe;

"vessel" means —

(*a*) a ship, boat, an air-cushioned vehicle or any other similar craft used in any reservoir or waterway, however moved or propelled; or

(*b*) a barge, lighter, rig, platform or any other floating structure, that may or may not be moved or propelled;

"water fitting" means —

(*a*) any pipe that is not a water main;

(*b*) any pipe fitting, tap, cock, valve or ferrule;

(*c*) any meter; or

(*d*) any flushing cistern,

and any other similar apparatus used in connection with the supply or conveyance, and use, of water;

"water installation" means any water-retaining structure, pumping station, pipe, water fitting, apparatus or appliance used for the supply or conveyance of water;

"water main" means any pipe used or to be used for the conveyance of water, other than a connecting pipe;

"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 to the premises, but does not include any installation for the disposal of any waste, sullage water or sewage; and

(*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 to the premises; 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 to the premises,

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 suitable for drinking" means —

(*a*) potable water; and

(*b*) any water held out by a person who supplies it as potable water,

but does not include any water intended for consumption solely by animals;

"waterway" means a navigable river, conduit or drain;

"WSI design works" means the designing of any water service installation that is to be installed downstream of a meter, and includes any limited WSI design works;

"WSI works" means any works on any water service installation including constructing, erecting, installing, maintaining, altering, repairing or replacing the water service installation.

[9/2012; 5/2018; 11/2018; 13/2020; 4/2021]

PART 2

RECONSTITUTION, FUNCTIONS, DUTIES AND POWERS OF BOARD

Reconstitution of Board

3. As from 1 April 2001, the Board continues in existence and continues 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 any other acts or things that bodies corporate may lawfully do and suffer.

Common seal

4.—(1) As from 1 April 2001, the Board continues to have a common seal and the seal may be broken, altered or made anew as the Board thinks fit.

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

Constitution of Board

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

(*a*) a Chairperson;

(*b*) such other members, not being less than 5 or more than 13, as the Minister may determine.

[Act 31 of 2022 wef 01/11/2022]

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

Functions and duties of Board

6.—(1) Subject to the provisions of this Act, it is 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 any other installations that 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 suitable for drinking;

(*da*) collect and treat used water;

(*e*) promote water conservation;

(*ea*) manage and administer the Coastal and Flood Protection Fund in accordance with this Act subject to the directions of the Minister;

(*eb*) carry out coastal management;

(*ec*) ensure coordination of the policies and activities of the Government and other public authorities relating to the coastal zone so as to facilitate decisions about land use and support or restrict development and activities in Singapore so as to safeguard against coastal hazards, taking into account the effects of climate change;

(*ed*) support public participation in coastal management and greater public awareness, education and understanding of coastal management activities;

(*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) stormwater drainage systems, drains and drainage reserves;

(iv) any boat transfer facility or barrage in or connecting to any reservoir;

(v) any structure or installation designed to stop, reduce or mitigate the impact or risk of coastal hazards on the coastal zone, including (but not limited to) a seawall, revetment, groyne, weir or dyke, and drains or other channels for the interaction of tidal waters with catchment floodwaters;

(*fa*) act as an agent of the Government in the restoration, planting or conservation of any mangroves, littoral forest

or other vegetation that is necessary or expedient for coastal management on unalienated State land within the coastal zone;

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

(*h*) regulate the discharge of sewage and trade effluent;

(*i*) advise the Government on all matters —

(i) relating to the collection, production and supply of water;

(ii) relating to sewerage, drainage and coastal management; 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, coastal management, or the collection, production and supply of water;

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

[Act 36 of 2018 wef 01/01/2024]

(*jb*) cooperate with the Transport Safety Investigation Bureau of Singapore in relation to investigations under the Transport Safety Investigations Act 2018; and

[Act 36 of 2018 wef 01/01/2024]

(*k*) carry out any other functions imposed upon the Board by or under this Act or any other written law.

[9/2012; 11/2018; 13/2020]

(2) In addition to the functions and duties imposed by this section, the Board may undertake any other functions that the Minister may assign to the Board, by notification in the *Gazette*, and, in so doing —

(*a*) the Board is deemed to be fulfilling the purposes of this Act; and

(*b*) the provisions of this Act apply to the Board in respect of those functions.

[13/2020]

(3) Nothing in this section imposes on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

[13/2020]

(4) In this section, "public sewerage system", "public sewers", "stormwater drainage system", "drain" and "drainage reserve" have the meanings given by the Sewerage and Drainage Act 1999.

Powers of Board

7.—(1) Subject to the provisions of this Act, the Board may carry on any activities that 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 does not limit any power of the Board conferred by or under any written law.

(3) The Board must provide the Minister with information with respect to its property and activities in the manner and at the times that the Minister may require.

Considerations by Board in carrying out functions and duties and exercising powers

7A. The Board may —

(*a*) in carrying out any function or duty or exercising any power under this Act, have regard to any matter that is necessary for or which facilitates the carrying out of any function or duty or the exercising of any power of the Board under the Sewerage and Drainage Act 1999; and

(*b*) in carrying out any function or duty or exercising any power under the Sewerage and Drainage Act 1999, have regard to any matter that is necessary for or which

facilitates the carrying out of any function or duty or the exercising of any power of the Board under this Act.

[Act 27 of 2023 wef 01/01/2024]

Directions by Minister

8.—(1) The Minister may, after consultation with the Board, give to the Board any direction under section 5 of the Public Sector (Governance) Act 2018.

[5/2018]

(2) In addition to the power mentioned in 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.

[5/2018]

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

(4) The Board must 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 is conclusive evidence of the matters stated in the certificate.

Furnishing of documents and information to Board

9.—(1) The Board or any person authorised by the Board may by notice require any other person to furnish to the Board or the person so authorised, within the period 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 other person or in that other person's custody or under that other person's 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 the person has been required by any notice under subsection (1) to furnish; or

(*b*) in furnishing any estimate, return or other information required of the person under any notice under subsection (1), makes any statement which the person 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.

Chief Executive, officers and employees, etc.

10.—(1) There must be a Chief Executive of the Board, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

[5/2018]

(2) The Board may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(*a*) is absent from duty or Singapore; or

(*b*) is, for any reason, unable to perform the duties of the office.

[5/2018]

(3) The Board may, subject to the Public Sector (Governance) Act 2018, appoint and employ, on such terms and conditions as it may determine, any other officers, employees, consultants and agents that may be necessary for the effective performance of its functions.

[5/2018]

11. [*Repealed by Act 5 of 2018*]

Protection from personal liability

12. No liability shall lie personally against any member, officer or employee of the Board or other person acting under the direction of the Board who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

[11/2018]

Power to borrow

13.—(1) For the discharge of its functions or duties under this Act or any other written law, the Board may 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.

[39/2004]

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

[39/2004]

Issue of shares, etc.

13A. As a consequence of —

(*a*) the vesting of any property, rights or liabilities of the Government in the Board under this Act; or

(*b*) any capital injection or other investment by the Government in the Board in accordance with any other written law,

the Board must issue such shares or other securities to the Minister for Finance as that Minister may direct.

Duty of Board in financial matters

14. It is the duty of the Board to exercise and perform its functions under this Act so 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. A summary of the annual estimates and supplementary estimates adopted by the Board must 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 1965.

Financial provisions

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

Coastal and Flood Protection Fund

18.—(1) The Coastal and Flood Protection Fund is established consisting of —

(*a*) all moneys from time to time appropriated from the Consolidated Fund or Development Fund and authorised to be paid into the Coastal and Flood Protection Fund by Supply law;

(*b*) all moneys authorised by or under any other written law to be paid into the Coastal and Flood Protection Fund;

(*c*) any gifts or donations made by any person for the purposes of the Coastal and Flood Protection Fund; and

(*d*) all investments out of moneys in the Coastal and Flood Protection Fund authorised to be made by this Act and the proceeds of any such investment, including the net income from such investments.

[13/2020]

(2) On 1 April 2020, the Government must pay into the Coastal and Flood Protection Fund such sum as the Minister for Finance may determine out of moneys to be provided by Parliament for the Coastal and Flood Protection Fund.

[13/2020]

(3) For the purposes of subsection (1)(*d*), the net income from investments is the amount ascertained by adding to, or deducting from, the income received from investments of moneys in the Coastal and Flood Protection Fund, any gain derived or loss sustained, realised or unrealised (as the case may be) from those investments.

[13/2020]

(4) Upon the dissolution of the Coastal and Flood Protection Fund during any term of office of the Government (within the meaning of the Constitution), the balance then remaining in that Fund must be transferred to the Consolidated Fund and added to the reserves of the Government not accumulated by it during that term of office.

[13/2020]

Purposes of Coastal and Flood Protection Fund

18A.—(1) The moneys in the Coastal and Flood Protection Fund may be withdrawn by the Board only for the following purposes:

(*a*) for the Board to carry on any coastal management activity consisting of —

(i) the construction, improvement or extension, or any demolition and replacement, of any structure or installation within the coastal zone —

(A) to stop or reduce the impact of coastal hazards on land adjacent to tidal waters, including (but not limited to) a seawall, revetment, groyne, weir or dyke, and drains or other channels for the interaction of tidal waters with catchment floodwaters; or

(B) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change; or

(ii) the restoration or planting within the coastal zone of mangroves, littoral forest or other vegetation that is necessary or expedient for coastal management;

(*b*) for the Board to carry on any construction, improvement or extension, or any demolition and replacement, of any structure or installation that is part of the stormwater drainage systems, drains and drainage reserves within the meaning of the Sewerage and Drainage Act 1999;

(*c*) for the acquisition by the Board of capital machinery or equipment required for or in connection with —

(i) the start of operations of any structure or installation the construction, improvement or extension, or demolition and replacement, of which (as the case may be) was paid for with money from the Coastal and Flood Protection Fund; or

(ii) the operations of any structure or installation that is part of the stormwater drainage systems, drains and drainage reserves within the meaning of the Sewerage and Drainage Act 1999, the construction, improvement or extension, or demolition and replacement, of which was completed before, on or after 1 April 2020;

(*d*) for the Board to carry on any associated design, investigative and engineering studies or survey preparatory to the undertaking of any activity, work or acquisition mentioned in paragraph (*a*), (*b*) or (*c*);

(*e*) to pay any of the following which is incurred or payable (as the case may be) for the purposes of any activity or work in paragraph (*a*) or (*b*):

(i) the costs incurred by the Collector of Land Revenue in the acquisition of any land under the Land Acquisition Act 1966;

(ii) the compensation payable for the acquisition of any land under the Land Acquisition Act 1966;

(*f*) to pay insurance premiums on capital equipment or other investments acquired, and land (including structures and installations) acquired and constructed, replaced, improved or extended using moneys of the Coastal and Flood Protection Fund;

(*g*) for the Board to undertake (solely or in collaboration with other persons) scientific, engineering or other studies to develop plans or strategies to improve the resilience of the coastal zone to the impact of an uncertain climate future, including the impact of extreme weather events;

(*h*) to pay all amounts relating to the sale, disposal or write-off of any investments paid for with money from the Coastal and Flood Protection Fund;

(*i*) to invest in accordance with section 16;

(*j*) to pay any expenses properly attributable to the setting up of the Coastal and Flood Protection Fund and the administration, management and investment of moneys in that Fund.

[13/2020]

(2) However, no investment paid for with money from the Coastal and Flood Protection Fund may be written-off by the Board without the prior approval of the Minister.

[13/2020]

(3) To avoid doubt, no money may be withdrawn from the Coastal and Flood Protection Fund for the purposes of land reclamation by or on behalf of the Government.

[13/2020]

Symbol or representation of Board

19.—(1) The Board has the exclusive right to the use of any symbol or representation that the Board may select or devise and to display or exhibit that 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 3

WATER UNDERTAKING OF BOARD

[11/2018]

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 must be in accordance with such tariffs as may be prescribed.

[9/2012]

(2) 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 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.

[9/2012]

(3) In determining the price to be charged for the supply of water by the Board, subsection (2) does 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 (7) (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.

[9/2012]

(4) 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.

[9/2012]

(5) Nothing in this section prevents 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.

(6) The Board must, 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.

(7) A waterborne tax must be paid to the Board for the discharge of the Board's functions in relation to used water (including sewage, waste matter and effluent) and sewerage in accordance with an order under subsection (7A) (read with subsection (8)).

[9/2012]

[Act 27 of 2023 wef 01/01/2024]

(7A) The Minister may, by order in the *Gazette*, prescribe —

(*a*) the types or descriptions of premises in connection with which the waterborne tax is payable;

(*b*) the amount of the waterborne tax; and

(*c*) the time of payment of the waterborne tax.

[Act 27 of 2023 wef 01/01/2024]

(8) The waterborne tax is payable by —

(*a*) an occupier of premises in connection with which the waterborne tax is payable (including the Government); or

[Act 27 of 2023 wef 01/01/2024]

(*b*) where the premises are vacant, the owner of the premises (including the Government).

[9/2012]

(9) 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 volume of water supplied to the premises (whether or not by the Board);

[Act 27 of 2023 wef 01/01/2024]

(*ba*) where an occupier of the premises extracts water —

(i) the volume of extracted water or water derived from the extracted water that is used by the occupier (whether or not at the premises at which the water is extracted); and

(ii) the volume of extracted water or water derived from the extracted water that is supplied by the occupier to any other person;

[Act 27 of 2023 wef 01/01/2024]

(*c*) any estimate of the volume of used water (including sewage, waste matter and effluent) disposed of.

[9/2012; 11/2018]

(9A) Where the calculation of the waterborne tax is based on the volume of water under subsection (9)(*b*), (*ba*) or (*c*), the Minister may, in the order under subsection (7A), further prescribe for any volume to be excluded from the volume under subsection (9)(*b*), (*ba*) or (*c*) (as the case may be) in calculating the waterborne tax payable, in the circumstances prescribed in the order.

[Act 27 of 2023 wef 01/01/2024]

(10) For the purposes of subsection (7), the Minister may, in the order under subsection (7A), prescribe different amounts of waterborne tax for persons differently situated, including different amounts of waterborne tax for —

(*a*) different volumes of water supplied (whether or not supplied by the Board);

(*b*) different volumes of extracted water or water derived from extracted water used or supplied;

(*c*) different circumstances of use or supply of different types or descriptions of water; and

(*d*) estimates of different volumes of used water (including sewage, waste matter and effluent) disposed of.

[Act 27 of 2023 wef 01/01/2024]

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

[9/2012]

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

[9/2012]

[Act 27 of 2023 wef 01/01/2024]

(13) The Board may, with the Minister's approval, grant any amount of rebate on, or waive the payment of any amount of —

(*a*) any price charged by the Board under subsection (1) to any person or class of persons; or

(*b*) any waterborne tax payable under subsection (7) by any person or class of persons,

as the Board may determine.

[Act 27 of 2023 wef 01/01/2024]

(14) To avoid doubt, a rebate or waiver under subsection (13) need not be published in the *Gazette*.

[Act 27 of 2023 wef 01/01/2024]

(15) Any order made under subsection (7A) must be presented to Parliament as soon as possible after publication in the *Gazette*.

[Act 27 of 2023 wef 01/01/2024]

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 on such terms and conditions as the Board may determine.

[9/2012]

(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.

[9/2012]

(3) The Board may 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.

[9/2012]

(4) Without affecting subsection (3), the Board may —

(*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.

[9/2012]

(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).

[9/2012]

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 the person 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 written notice to that person calling upon that person to cause the misuse or waste to be discontinued within the period 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 any other time that 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.

[9/2012]

(2) Subject to subsection (3), the Board must not by its employees, agents or contractors enter any dwelling house in actual occupation, except with the consent of the occupier of the house, 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 are liable to inspection at any time of the day or night, and upon the declaration any employee, agent or contractor duly authorised in writing by the Board to do so 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.

[9/2012]

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 any other time that 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, any mains, pipes, water installations or water service installations that the Board considers necessary for the supply of water to those or other premises;

(*b*) to lay or install under, over, in, on or through the premises any meters that the Board considers necessary to measure, ascertain or regulate the supply of water (including extracted water or water derived from extracted water) to those or other premises, or the use of water (including extracted water or water derived from extracted water) at those premises;

[Act 27 of 2023 wef 01/01/2024]

(*c*) to inspect, maintain, adjust, repair or alter —

(i) any main, pipe, water installation or water service installation mentioned in paragraph (*a*) or any meter mentioned in paragraph (*b*); and

(ii) any other main, water installation or pipe that is acquired by the Board, and is used for the supply of water to those or other premises;

[Act 27 of 2023 wef 01/01/2024]

(*d*) to carry out any works requisite for, or incidental to, the purposes of any works falling within paragraph (*a*), (*b*) or (*c*), 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.

[9/2012; 11/2018; 13/2020]

(1A) Without affecting subsection (1)(*b*), the Board may by written notice require any owner or occupier of premises at which water is

extracted or extracted water is received, or from which extracted water or water derived from extracted water is supplied, to carry out any works necessary for the laying or installation of any meter by the Board, and for the works to be completed by a date specified in the notice.

[Act 27 of 2023 wef 01/01/2024]

(1B) Where a written notice has been served on an owner or occupier of premises under subsection (1A) and the works specified in the notice are not completed by the date specified in the notice for their completion, the owner or occupier shall be guilty of an offence if the owner or occupier on or after that date —

(*a*) extracts water or receives extracted water at the premises; or

(*b*) supplies extracted water or water derived from extracted water from the premises,

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 of a day during which the offence continues after conviction.

[Act 27 of 2023 wef 01/01/2024]

(2) Except as provided under Part 3A, the Board shall not be liable to pay any person any fee, charge or expense on account of any entry to any premises or of anything done to the premises under this section, or for any cost or expense incurred by any person in complying with any requirement of the Board under subsection (1A).

[9/2012; 12/2015]

[Act 27 of 2023 wef 01/01/2024]

(3) However, the Board must not enter any premises for the purposes specified in subsection (1) unless the Board has given at least 14 days' written notice of intention to enter to every owner and occupier of the premises.

[9/2012; 12/2015]

(4) A notice mentioned in subsection (3) must —

(*a*) state the estimated period (if any) during which the Board intends to temporarily occupy or take possession of the premises;

(*b*) give a brief description of the works (if any) which are to be carried out in or on the premises;

(*c*) describe the area or extent of the land and the subterranean space needed for the carrying out of the works mentioned in paragraph (*b*); and

(*d*) state that the owner or occupier of the premises may serve on the Board a claim of compensation for the items of loss, damage or cost set out in the first column of the Fourth Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier of the premises.

[12/2015]

(5) 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.

[9/2012]

(6) The Board may give notice to the owner or occupier of any premises requiring the owner or occupier 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).

[9/2012]

(7) Any costs and expenses reasonably incurred by the owner, supplier or occupier in complying with any notice under subsection (5) or (6) must be borne by the Board.

[9/2012]

Board may act in cases of emergency

24B.—(1) Despite 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.

[9/2012]

[Act 27 of 2023 wef 01/01/2024]

(2) Where, under subsection (1), the Board carries out, or directs the immediate execution of, any work or the doing of any act authorised under section 33(2)(*b*), the Board may recover, as a debt due to it, from the person who caused the hindrance or obstruction, or likely hindrance or obstruction, mentioned in section 33, any cost or expense reasonably incurred by the Board as a result of the work or act.

[Act 27 of 2023 wef 01/01/2024]

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 the person;

(*b*) work done or materials provided in connection with the work; 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 of the notice.

[9/2012]

(2) If the 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 in the warrant, directing him or her 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 daytime any house or building for the purpose of seizing property pursuant to the warrant.

(4) Such fees as may be prescribed are 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 must make an inventory of the property seized under the warrant and must at the same time give written notice to the person in possession of the property at the time of seizure that the property will be sold.

(6) The property seized by virtue of any such warrant is to 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 end 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 the sale, after deducting the amount of the debt and the costs, must 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 must be paid to the credit of the Board's fund and no person thereafter is 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 the 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 the relocation.

Board may stop or interrupt supply of water

27.—(1) The Board may, despite 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;

(*b*) if the quality of water supplied fails to meet the standards required by the Board;

(*c*) 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;

(*d*) if this is necessary to avoid inconvenience to other consumers or undue interference with the water supply to other consumers;

(*e*) if this is necessary to conserve water supply; or

(*f*) if it is in the interests of public safety or in the public interest to do so.

[9/2012]

(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 with the supply of water; 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 under or pursuant to enforcement order

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 is not subject to distress and is not to be taken under or pursuant to an enforcement order under any process of any court or in any proceedings in bankruptcy against the person in whose possession it is.

[Act 25 of 2021 wef 01/04/2022]

Apparatus, appliances, etc., let for hire by Board not to be subject to distress or taken under or pursuant to enforcement order

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 is not subject to distress and is not to be taken under or pursuant to an enforcement order under any process of any court or in any proceedings in bankruptcy against the person in whose possession it is.

[Act 25 of 2021 wef 01/04/2022]

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 any other time that may be agreed with the owner or occupier of the premises, enter any premises to or from which water (including extracted water and water derived from extracted water) is or has been supplied 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, or in respect of, the supply of water belonging to or which are supplied from mains belonging to the Board;

(*b*) to ascertain the quantity of water used or supplied;

[Act 27 of 2023 wef 01/01/2024]

(*c*) when the Board is authorised to discontinue the supply of water from any premises, to remove any pipe, fitting, meter, work or apparatus belonging to the Board;

(*d*) to repair any damage caused by such entry, inspection or removal.

[9/2012; 13/2020]

[Act 27 of 2023 wef 01/01/2024]

(1A) For the purposes of subsection (1), where a person —

(*a*) extracts water or derives water from water extracted by the person; and

(*b*) uses the extracted water or water so derived at any premises,

the water so used by the person is regarded as being or having been supplied to those premises.

[Act 27 of 2023 wef 01/01/2024]

(2) The Board may by its employees, agents or contractors, at all reasonable hours in the day or night, or at any other time that 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*).

[9/2012]

(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) However, the Board must not enter any premises for the purposes specified in subsection (1) unless the Board has given at least 7 days' written notice of its intention to enter to every owner and occupier of the premises.

[12/2015]

(3) A notice mentioned in subsection (2) must —

(*a*) state the estimated period (if any) during which the Board intends to temporarily occupy or take possession of the premises;

(*b*) give a brief description of the works (if any) which are to be carried out in or on the premises;

(*c*) describe the area or extent of the land and the subterranean space needed for the carrying out of the works mentioned in paragraph (*b*); and

(*d*) state that the owner or occupier of the premises may serve on the Board a claim of compensation for the items of loss,

damage or cost set out in the first column of the Fourth Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier of the premises.

[12/2015]

Removal of obstruction above or in vicinity of water installation

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 water installation belonging to the Board hinders or obstructs or is likely to hinder or obstruct access to the water installation, the Board may by written notice 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 the time specified in the notice.

[11/2018; 13/2020]

[Act 27 of 2023 wef 01/01/2024]

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

(*a*) the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 12 months or to both; 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 installation,

and recover any costs reasonably incurred by it from the person.

[13/2020]

[Act 27 of 2023 wef 01/01/2024]

(3) To avoid doubt, the Board may exercise its powers under subsection (2)(*b*) whether or not any proceedings have been started, or any conviction has been obtained, pursuant to subsection (2)(*a*).

[Act 27 of 2023 wef 01/01/2024]

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 must, immediately on the same coming to the occupier's 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.—(1) 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 to the Board for late payment of any fee or charge (including any price mentioned in section 20(1)) or tax payable under this Act.

[9/2012]

[Act 27 of 2023 wef 01/01/2024]

(2) The Board may, with the Minister's approval, waive the payment of any amount of a penalty or late payment charge under subsection (1) in respect of any person or class of persons.

[Act 27 of 2023 wef 01/01/2024]

(3) To avoid doubt, a waiver under subsection (2) need not be published in the *Gazette*.

[Act 27 of 2023 wef 01/01/2024]

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 on the land 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 does 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 is 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 of a day 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 must 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 must make reasonable compensation to any person who suffers damage by reason of the same.

Entry into Board's premises without consent, etc.

39.—(1) Despite any written law, a person must not enter or use any premises belonging to the Board, or reserved for the Board for laying of a main, without the prior written consent of the Board.

(2) The Board may, by written notice, 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 the notice must be borne by the person.

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

Water efficiency requirements for new facilities

40.—(1) This section applies to a new facility —

(*a*) that is to be or has been built for the purpose of carrying on a specified business activity that falls within a prescribed industry; and

(*b*) the operation of which is for a purpose that requires an annual water use (determined in accordance with a prescribed method or a method that satisfies the prescribed criteria) that equals or exceeds the prescribed threshold.

(2) The person proposing to build the new facility must obtain the Board's approval for the projected water balance chart for the new facility before the start of any building works for the new facility.

(3) A person who fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $20,000.

(4) Where the Board's approval is not obtained in accordance with subsection (2), the Board may serve on any person building the new facility a written notice directing the person to obtain the Board's approval for the projected water balance chart for the new facility, within the period specified in the notice.

(5) To avoid doubt, the Board may serve more than one written notice on the same person, so long as the Board's approval for the projected water balance chart has not been obtained in accordance with subsection (2) or any written notice previously served on any person under subsection (4).

(6) A person who fails to comply with a written notice under subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $20,000.

(7) The occupier of the new facility must ensure that the operation of the new facility satisfies the prescribed water efficiency requirements applicable to the new facility.

(8) The Board may, in any particular case, waive or modify any prescribed water efficiency requirement applicable to a new facility if

the Board is satisfied, on a written application by the occupier or owner of the new facility, that there are good reasons to do so.

(9) To avoid doubt —

(*a*) where any prescribed water efficiency requirement applicable to a new facility is waived by the Board under subsection (8), the reference to prescribed water efficiency requirements in subsection (7) does not include the requirement so waived as from and including the date on which the waiver takes effect; and

(*b*) where the prescribed water efficiency requirements applicable to a new facility are modified by the Board under subsection (8), the reference to prescribed water efficiency requirements in subsection (7) is a reference to the requirements so modified as from and including the date on which the modification takes effect.

(10) A person who fails to comply with subsection (7) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $40,000.

(11) Regulations made under section 72 in connection with any annual water use, prescribed threshold or prescribed water efficiency requirements for the purposes of this section may make different prescriptions for —

(*a*) different industries; and

(*b*) different types or descriptions of new facilities, or new facilities differently situated.

(12) In this section —

"building works" has the meaning given by section 2(1) of the Building Control Act 1989;

"new facility" means a building or structure —

(*a*) for which an application is made on or after 1 January 2024 —

(i) for planning permission under the Planning Act 1998; or

(ii) for approval of plans for building works under the Building Control Act 1989; and

(*b*) which is for the purpose of carrying on —

(i) a new specified business activity of a person; or

(ii) an expansion of any existing specified business activity of a person;

"projected water balance chart", in relation to a new facility, means a chart showing all of the following when the new facility is operating at its designed capacity:

(*a*) the projected amount of water entering the new facility;

(*b*) the projected amount of water being used for the activity or every activity (as the case may be) of the specified business activity that involves the use of water;

(*c*) the projected amount of water leaving the new facility;

"specified business activity" means an activity, or a series of activities (including ancillary activities), that involves the use of water in the course of business operations;

"water efficiency requirements" includes requirements for the recycling of used water.

[Act 27 of 2023 wef 01/01/2024]

PART 3A

COMPENSATION FOR TEMPORARY OCCUPATION OF PREMISES AND OWNER-INITIATED ACQUISITION

Compensation for temporary occupation of premises

40A.—(1) Subject to sections 40B and 40C, every owner and occupier of premises of which temporary possession is taken under section 24A or 32 is entitled to claim compensation for the items of loss, damage or cost set out in the first column of the Fourth Schedule

to the extent of the loss, damage or cost suffered or incurred by the owner or occupier, as the case may be.

[12/2015]

(2) A claim for compensation for an item of loss, damage or cost set out in the first column of the Fourth Schedule is to be assessed by the Board —

(*a*) on the basis of the matters specified opposite in the second column of the Fourth Schedule; and

(*b*) by not taking into consideration any of the matters specified in subsection (3).

[12/2015]

(3) No account is to be taken of the following in the assessment of any claim for compensation by any owner or occupier of premises of which temporary possession is taken under section 24A or 32:

(*a*) the financial loss resulting from the interruption of or interference with any trade or business carried on any premises;

(*b*) any increase or decrease in the value of the premises to which the compensation relates which is attributable to the purpose for which the premises are occupied and used;

(*c*) any building, object or structure within those premises which was erected and maintained in the contravention of any written law in force on the date of the notice under section 24A(3) or 32(2) (as the case may be) relating to those premises;

(*d*) any building or part of a building within those premises which has been constructed or modified or on which building works have been carried out so as to amount to a contravention of the Building Control Act 1989 within the meaning of that Act.

[12/2015]

(4) On receiving a claim for compensation from any owner or occupier of premises of which temporary possession is taken under section 24A or 32, the Board must inquire into that claim and must, as soon as is possible, pay to the owner or occupier (as the case may be)

compensation for such loss, damage or cost arising from the exercise of the powers under that section as is determined in accordance with this section.

[12/2015]

(5) To avoid doubt, nothing in this section prevents the Board from restoring premises of which temporary possession is taken under section 24A or 32 to the reasonable satisfaction of the owner or occupier of the premises before returning those premises to the owner or occupier, in lieu of compensation for any item of loss, damage or cost set out in the first column of the Fourth Schedule.

[12/2015]

Time for, and manner of, claiming for compensation

40B.—(1) Every claim for compensation under this Part must be in writing.

[12/2015]

(2) Subject to subsection (4), if a claim for compensation for an item of loss, damage or cost set out in the first column of the Fourth Schedule is not served on the Board before the expiry of the relevant period specified in subsection (3) for that item, the right to claim compensation for that item is barred and any late claim may be disregarded.

[12/2015]

(3) The period within which a claim for compensation for an item of loss, damage or cost set out in the first column of the Fourth Schedule must be served on the Board is as follows:

(*a*) for a claim for loss due to displacement of any person in lawful occupation of the premises on the date of the notice under section 24A(3) or 32(2) — 2 years starting from the date of that notice;

(*b*) for a claim for structural damage to any building resulting from the occupation and use of the premises under section 24A(1) or 32(1) — 6 years starting from the date those premises are returned;

(*c*) for a claim for other damage to any premises — 6 years starting from the date those premises are returned;

(*d*) for a claim for removal of any object or structure which was erected and maintained without contravention of any written law — one year from the date of removal, or the date of reinstatement or replacement, whichever is applicable.

[12/2015]

(4) The Board may extend the period referred to in subsection (3) within which a claim must be served upon it if an application for the extension is made to the Board, either before or after the expiry of that period, and the Board considers —

(*a*) that the delay in serving the claim was occasioned by mistake of fact or mistake of any matter of law (other than this Act) or by any other reasonable cause; or

(*b*) that the Board is not materially prejudiced by the delay.

[12/2015]

(5) An extension may be granted by the Board under subsection (4) with or without conditions, and for such period as the Board thinks fit, but in no case exceeding 6 years from the time when the right to compensation first arose.

[12/2015]

Disqualification as to certain compensation

40C. If an owner of any premises of which temporary possession is or has been taken in accordance with section 24A or 32 gives to the Board any notice under section 40E(1) in relation to those premises within the claim period referred to in section 40F(2)(*d*), the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the premises on the date of the notice under section 24A(3) or 32(2) (as the case may be) and no other item in the Fourth Schedule.

[12/2015]

Bar to other proceedings

40D. Except as provided in this Part, no action, claim or other proceeding shall lie against the Board, or any employee, agent or contractor of the Board —

(*a*) to restrain the doing of anything which is authorised by or under section 24A or 32, or to compel the doing of anything which may be omitted to be done under section 24A or 32; or

(*b*) to recover damages, compensation or costs for —

(i) damage or disturbance to or loss of or in the value of any land, chattel, trade or business;

(ii) personal disturbance or inconvenience;

(iii) extinguishment, modification or restriction of rights; or

(iv) effecting or complying with any requirement or condition imposed by the Board or its employee, agent or contractor,

which is authorised by or under section 24A or 32 or arises from any act or omission so authorised.

[12/2015]

Owners who suffer substantial impairment in rights in premises may require their premises to be acquired

40E.—(1) The owner of any premises of which temporary possession is or has been taken in accordance with section 24A or 32 may, by written notice given to the Board, request the Government to acquire under the Land Acquisition Act 1966 —

(*a*) the premises; and

(*b*) any other premises of the owner related to the premises in paragraph (*a*),

if the owner considers that the owner suffers substantial impairment of the owner's rights in the premises in paragraphs (*a*) and (*b*) because of the taking of that temporary possession.

[12/2015]

(2) If there is more than one owner of the premises concerned, the notice under this section must be given by all the owners.

[12/2015]

(3) Any notice under this section is irrevocable once given to the Board.

[12/2015]

(4) For the purposes of this section and section 40F, premises (called *A* premises) are related to other premises temporary possession of which is or has been taken in accordance with section 24A or 32 (in this section and section 40F called temporarily occupied premises) if the *A* premises are the remainder of a parcel of land part of which are the temporarily occupied premises.

[12/2015]

(5) In this section and section 40F —

"owner", in relation to any premises, means —

(*a*) a person who has the fee simple estate in the premises;

(*b*) a person who is the grantee or lessee under a State title for the premises;

(*c*) a person who has become entitled to exercise a power of sale of the premises; or

(*d*) a person in occupation of the premises under a tenancy the term of which exceeds 7 years;

"parcel of land" means the whole area of land that —

(*a*) is the subject of a separate certificate of title registered under the Land Titles Act 1993; or

(*b*) is a lot in a lawful division of land and capable of being separately held by any owner,

and where a single building is erected on 2 or more such adjoining lands or lots referred to in paragraph (*a*) or (*b*), includes the area comprised in those lands or lots, as the case may be.

[12/2015]

Owner-initiated acquisition

40F.—(1) Upon the Board receiving a notice under section 40E(1) in relation to any temporarily occupied premises and any other

premises related to the temporarily occupied premises, the President is to proceed under the Land Acquisition Act 1966 to acquire those premises as if those premises were the subject of a notice under section 49 of that Act.

[12/2015]

(2) The provisions of sections 49 and 49A of the Land Acquisition Act 1966 apply (so far as relevant) to any premises that are the subject of a notice under section 40E with the following exceptions, modifications and adaptations:

(*a*) any reference in those sections to any land that is the subject of a notice under section 49(1) of the Land Acquisition Act 1966 is to be read as a reference to the premises that are the subject of a notice under section 40E;

(*b*) any reference in those sections to land temporary possession of which is or has been taken under section 42 of the Land Acquisition Act 1966 is to be read as a reference to any premises temporary possession of which is or has been taken in accordance with section 24A or 32;

(*c*) any reference in those sections to an owner of land is to be read as a reference to an owner of premises referred to in section 40E;

(*d*) any reference in section 49A of the Land Acquisition Act 1966 to a claim period for any land temporary possession of which is or has been taken in accordance with a direction under section 42 of the Land Acquisition Act 1966 is to be read as a reference to one year starting from either of the following dates:

(i) the date of the notice under section 24A(3) or 32(2) (as the case may be) relating to those premises;

(ii) the date of the expiry of the term of temporary possession in a notice under section 24A(3) or 32(2) (as the case may be) for the temporary occupation and use of those premises, or the date the premises are returned to the owner if earlier;

(*e*) such other exceptions, modifications and adaptations as the differences between them necessarily require.

[12/2015]

PART 3B

REGULATED WORKS AND WSI DESIGN WORKS

Division 1 — Prohibitions relating to regulated works and WSI design works

Prohibitions against carrying out of regulated works, etc.

40G.—(1) An individual must not carry out, or offer or undertake to carry out, any regulated works unless the individual —

(*a*) is a licensed plumber; or

(*b*) acts under the direct supervision of a licensed plumber.

[11/2018]

(2) An individual must not hold himself or herself out (whether by an advertisement or any other means) as authorised under this Act to carry out any regulated works, unless the individual is a licensed plumber.

[11/2018]

(3) A person must not in the course of business (whether or not carried on for profit) provide, or offer or undertake to provide, the carrying out of any regulated works unless the person ensures that those works are carried out by —

(*a*) one or more licensed plumbers; or

(*b*) one or more individuals acting under the direct supervision of one or more licensed plumbers.

[11/2018]

(4) A person must not hold out (whether by an advertisement or any other means) that the person is authorised under this Act to provide in the course of business the carrying out of any regulated works, unless the person ensures that those works are carried out by the individuals mentioned in subsection (3)(*a*) or (*b*).

[11/2018]

(5) An owner or occupier of any premises who wishes to have any sanitary works or WSI works carried out at the premises must only engage a person permitted under subsection (1) or (3) to carry out those works or provide the carrying out of those works, as the case may be.

[11/2018]

(6) An owner or occupier of any premises who wishes to have any limited WSI design works carried out on a water service installation situated at the premises must only engage —

(*a*) a person permitted under subsection (1) or (3) to carry out those works or provide the carrying out of those works, as the case may be; or

(*b*) a professional engineer to carry out those works.

[11/2018]

(7) Any person who contravenes subsection (1), (2), (3) or (4) 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.

[11/2018]

(8) Any person who contravenes subsection (5) or (6) shall be guilty of an offence.

[11/2018]

(9) Subsections (1), (2), (3) and (4) do not apply to a professional engineer in respect of any limited WSI design works.

[11/2018]

Prohibition against engagement of persons to carry out certain WSI design works

40H.—(1) An owner or occupier of any premises who wishes to have any WSI design works carried out on a water service installation situated at the premises must, where the WSI design works are not limited WSI design works, only engage a professional engineer to carry out those works.

[11/2018]

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

[11/2018]

Division 2 — Licensing of plumbers

Application for plumber's licence

40I.—(1) An application to the Board for a plumber's licence must —

(*a*) be in such form and manner as the Board may require;

(*b*) be accompanied by an application fee (if prescribed); and

(*c*) be accompanied by the documents and information required by the Board to consider the application.

[11/2018]

(2) In considering an application under subsection (1), the Board may carry out such inquiries and investigations in relation to the application as the Board considers necessary.

[11/2018]

(3) The Board may refuse to consider an application for a plumber's licence that is incomplete or not made in accordance with this section.

[11/2018]

Grant of plumber's licence

40J.—(1) An applicant is ineligible for a plumber's licence if the applicant —

(*a*) has not completed any course, training, assessment, examination or test on any regulated works as the Board may require;

(*b*) does not, in the Board's opinion, have the necessary qualifications or experience to be a licensed plumber;

(*c*) does not, in the Board's opinion, have an acceptable knowledge of the requirements imposed by or under this Act or the Sewerage and Drainage Act 1999 on a licensed plumber; and

(*d*) does not satisfy other eligibility requirements (if prescribed) to be a licensed plumber.

[11/2018]

(2) In deciding whether an applicant has an acceptable knowledge of the requirements mentioned in subsection (1)(*c*), the Board may have regard to —

(*a*) the results of any assessment, examination or test mentioned in subsection (1)(*a*) completed by the applicant; and

(*b*) if the Board considers relevant, the results of any other assessment, examination or test on any regulated works completed by the applicant, whether before, on or after 1 April 2018.

[11/2018]

(3) The Board may, after considering the matters mentioned in subsections (1) and (2) and on payment of a licence fee (if prescribed), grant a plumber's licence to an individual.

[11/2018]

(4) A plumber's licence granted under subsection (3) —

(*a*) authorises a licensed plumber to carry out any regulated works; and

(*b*) is subject to any conditions that the Board may impose.

[11/2018]

(5) A plumber's licence continues in force —

(*a*) for the life of the holder of a plumber's licence; or

(*b*) for such period as the Board may specify in the licence,

unless the licence is earlier suspended or cancelled under section 40L or earlier surrendered under section 40M.

[11/2018]

(6) A plumber's licence is neither transferable nor assignable, and any purported transfer or assignment of the licence is void.

[11/2018]

Grounds for suspension or cancellation of plumber's licence

40K.—(1) The Board may suspend or cancel the plumber's licence of an individual who —

(*a*) has obtained the plumber's licence by making or producing, or causing to be made or produced, any false

or fraudulent declaration, certification or representation, whether in writing or otherwise;

(*b*) has, in the Board's opinion, contravened any requirement imposed by or under this Act or the Sewerage and Drainage Act 1999 applicable to the individual, for which the individual is not liable for an offence;

(*c*) has, in the Board's opinion, failed to comply with any condition of the plumber's licence;

(*d*) has been charged with or convicted of an offence, under this Act or any other written law, such that it is undesirable, in the Board's opinion, that the individual should continue to hold the plumber's licence;

(*e*) if required by section 40N to complete any refresher course, training, assessment, examination or test, has failed to do so;

(*f*) is, for any reason, no longer suitable in the Board's opinion to hold a plumber's licence having regard to any of the matters mentioned in section 40J(1)(*a*) to (*d*); or

(*g*) in the Board's opinion, has carried out or is carrying out any regulated works in a manner that adversely affects or is likely to adversely affect the health or safety of any individual, or of the public or a section of the public.

[11/2018]

(2) The suspension or cancellation of a plumber's licence under this Act does not prejudice the enforcement —

(*a*) by any person of any right or claim against the licensed plumber or former licensed plumber; or

(*b*) by the licensed plumber or former licensed plumber of any right or claim against any person.

[11/2018]

(3) The Board does not have to —

(*a*) pay any compensation to any individual whose plumber's licence is suspended or cancelled; or

(*b*) refund any fee or part of the fee paid to the Board, in respect of any unexpired period of a plumber's licence that is cancelled.

[11/2018]

Proceedings for suspension or cancellation of plumber's licence

40L.—(1) Before suspending or cancelling the plumber's licence of an individual, the Board must give a written notice to the individual —

(*a*) stating that the Board intends to suspend or cancel the plumber's licence; and

(*b*) specifying the time within which written representations may be made to the Board with respect to the proposed suspension or cancellation, that must not be less than any time prescribed for the making of those representations.

[11/2018]

(2) The Board may, after considering any written representation under subsection (1)(*b*) from an individual —

(*a*) suspend his or her plumber's licence for a period not exceeding 12 months or any longer period that may be prescribed in substitution; or

(*b*) cancel his or her plumber's licence.

[11/2018]

(3) Where the Board has made any decision under subsection (2) against an individual, the Board must serve on the individual concerned a notice of the decision.

[11/2018]

(4) The Board's decision under subsection (2) takes effect from the date that the notice under subsection (3) is given, or on a later date specified in the notice.

[11/2018]

Surrender of plumber's licence

40M.—(1) Subject to subsection (2), an individual may at any time surrender his or her plumber's licence to the Board for cancellation.

[11/2018]

(2) The Board may refuse the surrender of a plumber's licence under subsection (1) if —

(*a*) the Board is investigating whether there is any circumstance that may result in the suspension or cancellation of the plumber's licence; or

(*b*) the Board has started proceedings under section 40L with a view to suspending or cancelling the plumber's licence.

[11/2018]

Division 3 — General provisions

Training requirements for licensed plumbers

40N. A licensed plumber must —

(*a*) complete any refresher course or training on any regulated works as required by the Board; and

(*b*) complete to the Board's satisfaction any assessment, examination or test on any regulated works as required by the Board.

[11/2018]

Duties of licensed plumbers in relation to regulated works

40O.—(1) A licensed plumber must, in respect of any regulated works that the licensed plumber carries out, or directly supervises another individual to carry out —

(*a*) ensure that the carrying out of the regulated works complies with the requirements imposed by or under this Act;

(*b*) for any prescribed regulated works —

(i) notify the Board, in accordance with any prescribed requirements, before the start of those works; and

(ii) submit to the Board, in accordance with any prescribed requirements, certifications for completion of those works; and

(*c*) comply with any other requirements that may be prescribed.

[11/2018]

(2) Any licensed plumber who fails to comply with subsection (1) shall be guilty of an offence.

[11/2018]

Duties of professional engineers in relation to WSI design works

40P.—(1) A professional engineer must, in respect of any WSI design works that the professional engineer carries out —

(*a*) ensure that the carrying out of the WSI design works complies with the requirements imposed by or under this Act;

(*b*) for any prescribed WSI design works —

(i) notify the Board, in accordance with any prescribed requirements, before the start of those works; and

(ii) submit to the Board, in accordance with any prescribed requirements, certifications for completion of those works; and

(*c*) comply with any other requirements that may be prescribed.

[11/2018]

(2) Any professional engineer who fails to comply with subsection (1) shall be guilty of an offence.

[11/2018]

Directions to licensed plumbers, professional engineers, etc.

40Q.—(1) Where the Board is of the opinion that —

(*a*) a licensed plumber has failed, or is likely to have failed, to comply with a condition of his or her plumber's licence in carrying out any regulated works;

(*b*) a licensed plumber has contravened, or is likely to have contravened, any requirement imposed by or under this Act or the Sewerage and Drainage Act 1999, in relation to any

regulated works that the licensed plumber is responsible for;

(*c*) a professional engineer has contravened, or is likely to have contravened, any requirement imposed by or under this Act, in relation to any WSI design works that the professional engineer is responsible for;

(*d*) any water service installation does not conform to any requirement set out in the regulations made under section 72; or

(*e*) any sanitary works are not or were not carried out in conformity with any requirement imposed by or under the Sewerage and Drainage Act 1999,

the Board may give a direction, verbally or in writing, to any person specified in subsection (2), and the person must comply with the direction.

[11/2018]

(2) The persons specified for the purposes of subsection (1) are —

(*a*) for a direction under subsection (1)(*a*) or (*b*) —

(i) the licensed plumber mentioned in subsection (1)(*a*) or (*b*); or

(ii) if the Board is of the opinion that the licensed plumber mentioned in sub-paragraph (i) is incapable of carrying out any requirement specified in the Board's direction, another licensed plumber;

(*b*) for a direction under subsection (1)(*c*) —

(i) the professional engineer mentioned in subsection (1)(*c*); or

(ii) if the Board is of the opinion that the professional engineer mentioned in sub-paragraph (i) is incapable of carrying out any requirement specified in the Board's direction, another professional engineer;

(*c*) for a direction under subsection (1)(*d*) —

(i) the licensed plumber reasonably believed to have last carried out, or directly supervised the carrying out of, any limited WSI design works or WSI works on the water service installation that resulted in its non-conformity;

(ii) the professional engineer reasonably believed to have last carried out any WSI design works on the water service installation that resulted in its non-conformity;

(iii) if the Board is of the opinion that the licensed plumber or professional engineer mentioned in sub-paragraph (i) or (ii) is incapable of carrying out any requirement specified in the Board's direction, another licensed plumber or professional engineer, as the case may be;

(iv) the owner or occupier of the premises where the water service installation is situated; or

(v) the consumer who is supplied water through the water service installation; and

(*d*) for a direction under subsection (1)(*e*) —

(i) the licensed plumber reasonably believed to have last carried out, or directly supervised the carrying out of, the non-conforming sanitary works;

(ii) if the Board is of the opinion that the licensed plumber mentioned in sub-paragraph (i) is incapable of carrying out any requirement specified in the Board's direction, another licensed plumber; or

(iii) the owner or occupier of the premises where the non-conforming sanitary works are or were carried out.

[11/2018]

(3) A direction given under subsection (1) —

(*a*) may require the person specified in subsection (2) to do, or to refrain from doing, such things as are specified in the

direction or are of a description as specified in the direction;

(*b*) is to take effect at such time, being the earliest practicable time, as is determined by or under that direction; and

(*c*) may be revoked at any time by the Board.

[11/2018]

(4) The Board is not liable for any cost or expense incurred by any person specified in subsection (2) in complying with any direction given by the Board under this section.

[11/2018]

(5) Where a licensed plumber or professional engineer receives a direction from the Board under this section —

(*a*) the licensed plumber or professional engineer (as the case may be) must notify the affected owner, occupier or consumer specified in subsection (2)(*c*)(iv) or (v) or (*d*)(iii) (as the case may be) of the direction; and

(*b*) the Board may disconnect or refuse to supply water through the water service installation until such time that the requirements of the Board specified in the direction have been complied with.

[11/2018]

(6) Any person to whom a direction is given under this section who fails to comply with the direction shall be guilty of an offence.

[11/2018]

(7) To avoid doubt, this section does not affect the application of section 11(2) of the Sewerage and Drainage Act 1999.

[11/2018]

PART 4

SUPPLY OF PIPED WATER SUITABLE FOR DRINKING

[11/2018]

Supply of piped water suitable for drinking with approval of Board

41.—(1) A person other than the Board must not supply piped water suitable for drinking except with the written approval of the Board.

[11/2018]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $50,000 or to imprisonment for a term not exceeding 5 years or to both.

(3) Every written approval given by the Board must 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 is transferable without the prior written consent of the Board.

(5) Any purported transfer of any written approval is void.

(6) If a person who has been given written approval contravenes any of the terms and conditions of the 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 that person 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 that person 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 on a person under subsection (7) and any interest payable under subsection (9) —

(*a*) must be collected, and may be sued for and recovered, by the Board;

(*b*) are to be treated as a debt due to the Government for the purposes of section 397 of the Insolvency, Restructuring and Dissolution Act 2018 and section 10 of the Government Proceedings Act 1956; and

(*c*) must be paid into the Consolidated Fund upon such collection or recovery,

and the person's liability to pay is not affected by the person's written approval under this section ceasing, for any reason, to be in force.

[11/2018; 40/2018]

(9) Where the financial penalty imposed on a person under subsection (7) is not paid in full by the due date for payment (called in this section the outstanding sum), the person concerned is liable to pay interest at the prescribed rate on the outstanding sum.

[11/2018]

(10) The Board may recover, as a debt, the outstanding sum and any interest payable under subsection (9).

[11/2018]

[Act 27 of 2023 wef 01/01/2024]

(11) Any person who is aggrieved by a decision of the Board under subsection (7) may, within 14 days of the receipt by the person of the decision, appeal to the Minister whose decision is final.

(12) Any decision of the Board appealed against under subsection (11) must be complied with until the determination of the appeal, except that any security or financial penalty that is the

subject of the appeal need not be paid until the determination of the appeal.

[11/2018]

(13) This section does not apply to the supply of piped water suitable for drinking solely to the Board.

[11/2018]

Compliance with requirements by approved person, etc.

42.—(1) Every person given written approval under section 41 must —

(*a*) comply with the requirements imposed by or under this Act relating to the supply of piped water suitable for drinking, and any other written law relating to the provision of piped water suitable for drinking;

(*b*) ensure that any installation, water installation and water service installation used by the person for the supply of piped water suitable for drinking conforms to the requirements set out in the regulations made under section 72;

(*c*) take all reasonable steps to safeguard the health and safety of persons employed by the person in carrying out the supply of piped water suitable for drinking;

(*d*) ensure that consumers of the piped water suitable for drinking supplied by the person are protected against dangers of contamination or pollution in the piped water suitable for drinking;

(*e*) not do any act which renders the piped water suitable for drinking supplied by the person injurious to the health of the consumers; and

(*f*) in carrying out the supply of piped water suitable for drinking, take all reasonable steps to safeguard the health and interests of the consumers.

[11/2018]

(2) Where the Board considers that immediate action is necessary due to any contravention or likely contravention of a requirement

under subsection (1) by an approved person that endangers the health or safety of consumers, the Board may —

(*a*) immediately and without notice enter any premises and carry out, or direct the immediate execution of, any work or the doing of any act that is necessary to safeguard the health or safety of consumers; and

(*b*) on completion of the work or act mentioned in paragraph (*a*), recover from the approved person any costs reasonably incurred by the Board in carrying out that work or act.

[11/2018]

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. Despite 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 4A

CONTROL OF DESIGNATED ENTITIES, DESIGNATED BUSINESS TRUSTS AND DESIGNATED TRUSTS

Division 1 — Preliminary

Interpretation of this Part

44A.—(1) In this Part, unless the context otherwise requires —

"5% controller", in relation to a designated entity, designated business trust or designated trust, means a person who, alone or together with the person's associates —

(*a*) holds 5% or more, but less than 12%, of the total equity interests in; or

(*b*) is in a position to control 5% or more, but less than 12%, of the voting power in,

the designated entity, designated business trust or designated trust, as the case may be;

"12% controller", in relation to a designated entity, designated business trust or designated trust, means a person who, alone or together with the person's associates —

(*a*) holds 12% or more, but less than 30%, of the total equity interests in; or

(*b*) is in a position to control 12% or more, but less than 30%, of the voting power in,

the designated entity, designated business trust or designated trust, as the case may be;

"30% controller", in relation to a designated entity, designated business trust or designated trust, means a person who, alone or together with the person's associates —

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

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

the designated entity, designated business trust or designated trust, as the case may be;

"acquisition" includes an agreement to acquire, but does not include —

(*a*) an acquisition by will or by operation of law; or

(*b*) an acquisition by way of enforcement of a security for any loan or other debt;

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

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

"control" includes control as a result of, or by means of, any trust, agreement, arrangement, understanding or practice, whether or not having legal or equitable force and whether or not based on legal or equitable rights;

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

"designated business trust" means a business trust that has been designated under section 44D as a designated business trust;

"designated entity" means an entity that has been designated under section 44D as a designated entity;

"designated trust" means a trust that has been designated under section 44D as a designated trust;

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

"entity" means any sole proprietorship, partnership, corporation or other body of persons, whether corporate or unincorporate;

"equity interest" means —

(*a*) in relation to a corporation — a voting share in that corporation;

(*b*) in relation to an entity other than a corporation — any right or interest, whether legal or equitable, in that entity (by whatever name called) which gives the

holder of that right or interest voting power in that entity;

(*c*) in relation to a business trust — a unit in that business trust; and

(*d*) in relation to a trust other than a business trust — any right or interest, whether legal or equitable, in that trust (by whatever name called) which gives the holder of that right or interest voting power in that trust;

"indirect controller", in relation to a designated entity, designated business trust or designated trust, means any person, whether acting alone or together with any other person, and whether with or without holding equity interests or controlling the voting power in the designated entity, designated business trust or designated trust, as the case may be —

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

(*b*) who is in a position to determine the policy of the designated entity, designated business trust or designated trust, as the case may be,

but does not include —

(*c*) any person who is a director or other officer of the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust, as the case may be; or

(*d*) any person whose directions, instructions or wishes the directors or other officers of the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) is accustomed to act in accordance with by reason

only that they act on advice given by the person in that person's professional capacity;

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

"liquidator" includes the Official Receiver when acting as the liquidator of a corporation;

"officer", in relation to a corporation, includes —

(*a*) a director or secretary of, or a person employed in an executive capacity by, the corporation;

(*b*) any receiver or manager, or any receiver and manager, of any part of the undertaking of the corporation, appointed under a power contained in any instrument or by the General Division of the High Court or by creditors;

(*c*) any liquidator of the corporation appointed in a voluntary winding up or by the General Division of the High Court or by creditors; and

(*d*) any judicial manager of the corporation appointed by the General Division of the High Court under Part 7 of the Insolvency, Restructuring and Dissolution Act 2018;

"Official Receiver" means the Official Receiver as defined in section 2(1) of the Insolvency, Restructuring and Dissolution Act 2018;

"related corporation", in relation to a corporation, means another corporation that is deemed under section 44C(2) to be related to that corporation;

"share", in relation to a corporation, means a share in the share capital of the corporation and includes stock into which all or any of the share capital of the corporation has been converted;

"treasury share" has the meaning given by section 4(1) of the Companies Act 1967;

"trustee-manager" has the meaning given by section 2 of the Business Trusts Act 2004;

"unit" has the meaning given by section 2 of the Business Trusts Act 2004;

"unitholder" means a person who holds units in a business trust;

"unregistered company" has the meaning given by section 245 of the Insolvency, Restructuring and Dissolution Act 2018;

"voting share" has the meaning given by section 4(1) of the Companies Act 1967 but does not include a treasury share.

[13/2020]

(2) A reference in this Part to the control of a percentage of the voting power in a designated entity, designated business trust or designated trust is a reference to the control, whether direct or indirect, of that percentage of the total number of votes that might be cast in a general meeting of the designated entity, a general meeting of the unitholders of the designated business trust, or a general meeting of the beneficiaries of the designated trust, as the case may be.

[13/2020]

(3) In ascertaining a person's control of the percentage of the total number of votes that might be cast at a general meeting mentioned in subsection (2), the number of votes that the person is entitled to cast at the meeting by reason of having been appointed a proxy or representative to vote at the meeting is to be disregarded.

[13/2020]

(4) In this Part —

(*a*) a reference to the business or undertaking of a designated business trust means the business or undertaking carried on by the trustee-manager of the designated business trust on behalf of the designated business trust; and

(*b*) a reference to the business or undertaking of a designated trust means the business or undertaking carried on by the trustee of the designated trust on behalf of the designated trust.

[13/2020]

What holding an equity interest means

44B.—(1) A person holds an equity interest under this Part if the person —

(*a*) has or is deemed to have an equity interest in accordance with subsections (2) to (8); or

(*b*) otherwise has a legal or equitable interest in that equity interest,

except for any interest prescribed by regulations made under section 72 as an interest that is to be disregarded.

[13/2020]

(2) Subject to subsection (3), a person has an equity interest if the person has authority (whether formal or informal, or express or implied) to dispose of, or to exercise control over the disposal of, that equity interest.

[13/2020]

(3) It is immaterial that the authority of a person to dispose of, or to exercise control over the disposal of, the equity interest mentioned in subsection (2) is, or is capable of being made, subject to restraint or restriction.

[13/2020]

(4) It is immaterial, for the purposes of determining whether a person has an equity interest, that the interest cannot be related to a particular share, an interest or a right that gives its holder voting power, or a unit of a business trust, as the case may be.

[13/2020]

(5) A person is deemed to have an equity interest if —

(*a*) any property held in trust consists of or includes the equity interest; and

(*b*) the person knows, or has reasonable grounds for believing, that the person has an interest under that trust.

[13/2020]

(6) A person is also deemed to have an equity interest if that person —

(*a*) has entered into a contract to purchase the equity interest;

(*b*) has a right, otherwise than by reason of having an interest under a trust, to have the equity interest transferred to (or to the order of) that person, whether the right is exercisable presently or in the future and whether on the fulfilment of a condition or not;

(*c*) has the right to acquire the equity interest under an option, whether the right is exercisable presently or in the future and whether on the fulfilment of a condition or not; or

(*d*) is entitled (otherwise than by reason of having been appointed a proxy or representative to vote (as the case may be) at a general meeting of the entity, a general meeting of the unitholders of the designated business trust, or a general meeting of the beneficiaries of the designated trust in question) to exercise or control the exercise of a right attached to the equity interest, not being an equity interest in which that person has a legal or equitable interest.

[13/2020]

(7) A person is not to be deemed as not having an equity interest by reason only that the person has the equity interest jointly with another person.

[13/2020]

(8) An equity interest is not to be disregarded by reason only of —

(*a*) its remoteness;

(*b*) the manner in which it arose; or

(*c*) the fact that the exercise of a right conferred by the equity interest is, or is capable of being made, subject to restraint or restriction.

[13/2020]

(9) Regulations made under section 72 may provide that any equity interest is to be disregarded for the purposes of this section or any subsection of this section.

[13/2020]

Meaning of "associate"

44C.—(1) In this Part, a person (*A*) is an associate of another person (*B*) if —

(*a*) *A* is the spouse, or a parent, step-parent or remoter lineal ancestor, or a son, stepson, daughter, stepdaughter or remoter issue, or a brother or sister, of *B*;

(*b*) *A* is a partner of *B* in a partnership or limited liability partnership;

(*c*) *A* is a corporation of which *B* is an officer;

(*d*) *B* is a corporation of which *A* is an officer;

(*e*) *A* and *B* are officers of the same corporation;

(*f*) *A* is an employee of *B*;

(*g*) *B* is an employee of *A*;

(*h*) *A* and *B* are employees of the same employer;

(*i*) *A* is the trustee of a discretionary trust where *B* (or another person who is an associate of *B* by virtue of any paragraph, except this paragraph and paragraphs (*j*) and (*r*)) benefits, or is capable (whether by exercise of a power of appointment or otherwise) of benefitting, under the trust, either directly or through interposed entities or trusts;

(*j*) *B* is the trustee of a discretionary trust where *A* (or another person who is an associate of *A* by virtue of any paragraph, except this paragraph and paragraphs (*i*) and (*r*)) benefits, or is capable (whether by exercise of a power of appointment or otherwise) of benefitting, under the trust, either directly or through interposed entities or trusts;

(*k*) *A* is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *B* or, where *B* is a corporation, of the directors of *B*;

(*l*) *B* is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to act in

accordance with the directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*;

(*m*) *A* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *B* or, where *B* is a corporation, of the directors of *B*;

(*n*) *B* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*;

(*o*) *A* is a related corporation of *B* or *B* is a related corporation of *A*;

(*p*) *A* is a corporation in which *B*, alone or together with other associates of *B* as described in paragraphs (*b*) to (*o*), is in a position to control at least 20% of the voting power in *A*;

(*q*) *B* is a corporation in which *A*, alone or together with other associates of *A* as described in paragraphs (*b*) to (*o*), is in a position to control at least 20% of the voting power in *B*;

(*r*) *A* is a person with whom *B* enters, or proposes to enter, into an agreement or arrangement (whether oral or in writing and whether express or implied) that relates to any of the following matters:

(i) *A* and *B* being in a position, by acting together, to control any of the voting power in a designated entity, designated business trust or designated trust;

(ii) *A* and *B* acting together with respect to the acquisition, holding or disposal of equity interests or other interests in a designated entity, designated business trust or designated trust;

(iii) the power of *A* and *B*, by acting together, to appoint or remove a director of a designated entity, a director of the trustee-manager of a designated business trust or, where the trustee of a designated trust is a corporation, a director of the trustee;

(iv) the situation where one or more of the directors of —

(A) a designated entity;

(B) the trustee-manager of a designated business trust; or

(C) the trustee of a designated trust, where the trustee is a corporation,

is or are accustomed or under an obligation (whether formal or informal) to act in accordance with the directions, instructions or wishes of *A* and *B* acting together;

(*s*) *A* controls more than half of the voting power of a holding company of *B*;

(*t*) *B* controls more than half of the voting power of a holding company of *A*; or

(*u*) *A* is related to *B* in such other manner as may be prescribed by regulations made under section 72.

[13/2020]

(2) A corporation (*A*) and another corporation (*B*) are deemed to be related to each other for the purposes of this section where *A* is —

(*a*) the holding company of *B*;

(*b*) a subsidiary of *B*; or

(*c*) a subsidiary of the holding company of *B*.

[13/2020]

(3) For the purposes of this section, a corporation (*A*) is, subject to subsection (5), deemed to be a subsidiary of another corporation (*B*) if —

(*a*) *B* controls the composition of the board of directors of *A*;

(*b*) *B* controls more than half of the voting power of *A*; or

(*c*) *A* is a subsidiary of any corporation which is *B*'s subsidiary.

[13/2020]

(4) For the purposes of subsection (3), the composition of *A*'s board of directors is deemed to be controlled by *B* if, by the exercise of some power exercisable by *B* without the consent or concurrence of any

other person, *B* can appoint or remove all or a majority of the directors, and for the purposes of this provision, *B* is deemed to have power to make such an appointment if —

(*a*) a person cannot be appointed as a director without the exercise in the person's favour by *B* of such a power; or

(*b*) a person's appointment as a director follows necessarily from that person being a director or other officer of *B*.

[13/2020]

(5) In determining whether one corporation (*A*) is the subsidiary of another corporation (*B*) —

(*a*) any shares held or power exercisable by *B* in a fiduciary capacity is treated as not held or exercisable by *B*;

(*b*) subject to paragraphs (*c*) and (*d*), any shares held or power exercisable —

(i) by any person as a nominee for *B* (except where *B* is concerned only in a fiduciary capacity); or

(ii) by, or by a nominee for, a subsidiary of *B*, not being a subsidiary which is concerned only in a fiduciary capacity,

is to be treated as being held or exercisable by *B*;

(*c*) any shares held or power exercisable by any person by virtue of the provisions of any debentures of *A*, or of a trust deed for securing any issue of such debentures, is to be disregarded; and

(*d*) any shares held or power exercisable by, or by a nominee for, *B* or its subsidiary (not being held or exercisable as mentioned in paragraph (*c*)) is to be treated as not held or exercisable by *B* if the ordinary business of *B* or its subsidiary (as the case may be) includes the lending of money and the shares are so held or power is so exercisable by way of security only for the purposes of a transaction entered into in the ordinary course of that business.

[13/2020]

(6) A reference in this section to the holding company of a company or other corporation is to be read as a reference to a corporation of which the last mentioned company or corporation is a subsidiary.

[13/2020]

(7) For the purposes of this section, the Depository is not to be regarded as a holding company of a corporation by reason only of the shares it holds in that corporation as a bare trustee.

[13/2020]

(8) Regulations made under section 72 may provide that any person or class of persons is not an associate of another person for the purposes of any provision of this Part.

[13/2020]

(9) In this section —

"Depository" has the meaning given by section 81SF of the Securities and Futures Act 2001;

"officer", in relation to a corporation, means a director or secretary of, or any person employed in an executive capacity by, the corporation.

[13/2020]

Division 2 — Designation and controllers of designated entities, designated business trusts and designated trusts

Designation of designated entity, designated business trust and designated trust

44D.—(1) The Board may, after consultation with the Minister —

(*a*) designate as a designated entity any entity that has a contract with the Board —

(i) to supply water to the Board; or

(ii) to collect, treat, recover or dispose of used water (including sewage, waste matter and effluent);

(*b*) designate as a designated business trust a business trust that is established wholly or partly in respect of —

(i) the supply of water to the Board; or

(ii) the collection, treatment, recovery or disposal of used water (including sewage, waste matter and effluent); and

(*c*) designate as a designated trust a trust that is established wholly or partly in respect of —

(i) the supply of water to the Board; or

(ii) the collection, treatment, recovery or disposal of used water (including sewage, waste matter and effluent),

if the Board considers that such designation is necessary in the public interest.

[13/2020]

(2) Any designation under subsection (1) must be notified in the *Gazette*.

[13/2020]

Notice to Board by 5% controller

44E.—(1) If a person becomes, on or after 1 April 2020, a 5% controller of a designated entity, designated business trust or designated trust, that person must, within 7 days after becoming the 5% controller, give written notice to the Board of that fact.

[13/2020]

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

[13/2020]

(3) In any proceedings for an offence in relation to a contravention of subsection (1), it is a defence for the accused to prove that the accused —

(*a*) was not aware of the contravention when it occurred; and

(*b*) notified the Board of the contravention within a period of 14 days after becoming aware of the contravention.

[13/2020]

(4) In any proceedings for an offence in relation to a contravention of subsection (1), it is also a defence for the accused to prove that even though the accused was aware of the contravention —

(*a*) the contravention occurred as a result of an increase in the holding of equity interest, or in the voting power controlled, by any of the associates of the accused, in the designated entity, designated business trust or designated trust, as the case may be;

(*b*) the accused has no agreement or arrangement (whether oral or in writing and whether express or implied) with that associate with respect to the acquisition, holding or disposal of equity interests or other interests, or under which they act together in exercising their voting power, in relation to the designated entity, designated business trust or designated trust, as the case may be; and

(*c*) the accused notified the Board of the contravention within a period of 7 days after the contravention.

[13/2020]

(5) Except as provided in subsections (3) and (4), it is not a defence in any proceedings for an offence in relation to a contravention of subsection (1) to prove that the accused did not intend to or did not knowingly contravene subsection (1).

[13/2020]

Approvals of Board in relation to equity interests and control of voting power in certain cases

44F.—(1) Except with the prior written approval of the Board, a person must not become, on or after 1 April 2020, a 12% controller or 30% controller of a designated entity, designated business trust or designated trust.

[13/2020]

(2) Subsection (1) does not apply where the transaction through which a person becomes a 12% controller or 30% controller is entered into before 1 April 2020.

[13/2020]

(3) Except with the prior written approval of the Board, a person must not become, on or after 1 April 2020, an indirect controller of a designated entity, designated business trust or designated trust.

[13/2020]

(4) A person must not acquire, on or after 1 April 2020, as a going concern the business or undertaking, or any part of the business or undertaking, of a designated entity, a designated business trust or a designated trust which relates to —

(*a*) the supply of water to the Board; or

(*b*) the collection, treatment, recovery or disposal of used water (including sewage, waste matter and effluent),

unless the person, and the designated entity, the trustee-manager of the designated business trust, or the trustee of the designated trust (as the case may be) have obtained the prior written approval of the Board.

[13/2020]

(5) On an application for approval under subsection (1) or (3), the Board may approve the application if the Board is satisfied —

(*a*) that the person who is to become a 12% controller or 30% controller or an indirect controller of a designated entity, designated business trust or designated trust (as the case may be) and every associate of that person, is a fit and proper person;

(*b*) that having regard to the influence of —

(i) the person mentioned in paragraph (*a*); and

(ii) every associate of that person,

the designated entity, designated business trust or designated trust (as the case may be) will continue to conduct its business or undertaking prudently and continue its business or undertaking of supplying water to the Board or of collecting, treating, recovering or disposing of used water (including sewage, waste matter and effluent); and

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

[13/2020]

(6) On an application for approval under subsection (4), the Board may approve the application if the Board is satisfied —

(*a*) that the person acquiring the business or undertaking is a fit and proper person;

(*b*) that the acquisition will not affect the security and reliability of the supply of water in Singapore; and

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

[13/2020]

(7) An approval of the Board under this section may be granted subject to any conditions that the Board considers appropriate to impose.

[13/2020]

(8) Any condition imposed by the Board under subsection (7) has effect despite the provisions of any other written law or anything contained in the memorandum or articles of association, trust deed or other constitution of the designated entity, designated business trust or designated trust in relation to which the application for approval under subsection (1), (3) or (4) is made.

[13/2020]

(9) Any person who is aggrieved by the Board's refusal to grant an approval required under subsection (1), (3) or (4) or by the imposition of any condition under subsection (7) may within 14 days after being informed of the refusal or the imposition of the condition (as the case may be) appeal to the Minister whose decision is final.

[13/2020]

(10) Any person who contravenes subsection (1), (3) or (4) shall be guilty of an offence.

[13/2020]

(11) In any proceedings for an offence in relation to a contravention of subsection (1), it is a defence for the accused to prove that —

(*a*) the accused was not aware of the contravention when it occurred;

(*b*) the accused notified the Board of the contravention within a period of 14 days after becoming aware of the contravention; and

(*c*) where the Board issued any direction under section 44G relating to the contravention and the holding of equity interests or the control of voting power by the accused in the designated entity, designated business trust or designated trust, as the case may be —

(i) the accused complied with the direction within the period determined by the Board under that section; or

(ii) the period determined by the Board under that section for the compliance of the direction has not expired.

[13/2020]

(12) In any proceedings for an offence in relation to a contravention of subsection (1), it is also a defence for the accused to prove that even though the accused was aware of the contravention —

(*a*) the contravention occurred as a result of an increase in the holding of equity interest, or in the voting power controlled, by any of the associates of the accused, in the designated entity, designated business trust or designated trust, as the case may be;

(*b*) the accused has no agreement or arrangement (whether oral or in writing and whether express or implied) with that associate with respect to the acquisition, holding or disposal of equity interests or other interests, or under which they act together in exercising their voting power, in relation to the designated entity, designated business trust or designated trust, as the case may be;

(*c*) the accused notified the Board of the contravention within a period of 7 days after the contravention; and

(*d*) where the Board issued any direction under section 44G relating to the contravention and the holding of equity interests or the control of voting power by the accused in the designated entity, designated business trust or designated trust, as the case may be —

(i) the accused complied with the direction within the period determined by the Board under that section; or

(ii) the period determined by the Board under that section for the compliance of the direction has not expired.

[13/2020]

(13) In any proceedings for an offence in relation to a contravention of subsection (3), it is a defence for the accused to prove that —

(*a*) the accused was not aware of the contravention when it occurred;

(*b*) the accused notified the Board of the contravention within a period of 14 days after the contravention; and

(*c*) where the Board issued any direction under section 44G relating to the contravention and the accused becoming an indirect controller of the designated entity, designated business trust or designated trust, as the case may be —

(i) the accused complied with the direction within the period determined by the Board under that section; or

(ii) the period determined by the Board under that section for the compliance of the direction has not expired.

[13/2020]

(14) Except as provided in subsections (11), (12) and (13), it is not a defence in any proceedings for an offence in relation to a contravention of subsection (1) or (3) to prove that the accused did not intend to or did not knowingly contravene subsection (1) or (3), as the case may be.

[13/2020]

Remedial directions

44G.—(1) This section applies if the Board is satisfied that —

(*a*) the person mentioned in subsection (2), (3) or (4) has contravened section 44F(1), (3) or (4), as the case may be;

(*b*) any condition of approval imposed on a person under section 44F(7) has not been complied with;

(*c*) a person has provided false or misleading information or documents in connection with an application for approval under section 44F(1), (3) or (4), as the case may be;

(*d*) in the case of a person who had obtained the Board's approval under section 44F(5) —

(i) the person or any associate of the person is not, or has ceased to be, a fit and proper person;

(ii) that having regard to the influence of the person or of any associate of the person, the designated entity, designated business trust or designated trust (as the case may be) is not, or is no longer likely to continue to conduct its business or undertaking prudently or is not, or is no longer likely to continue its business or undertaking of supplying water to the Board or of collecting, treating, recovering or disposing of used water (including sewage, waste matter and effluent); or

(iii) it is not, or is no longer, in the public interest to allow the person to continue to be a 12% controller, a 30% controller or an indirect controller, as the case may be;

(*e*) in the case of a person who had obtained the Board's approval under section 44F(6) —

(i) the person is not or has ceased to be a fit and proper person; or

(ii) it is not, or is no longer, in the public interest to allow the person to continue to own or manage the business or undertaking or the part of the business or undertaking that was acquired; or

(*f*) the Board would not have granted its approval to a person under section 44F(5) or (6) (as the case may be) if the Board had been aware, at the time, of circumstances relevant to the person's application for the approval.

[13/2020]

(2) Where the person mentioned in subsection (1) is a 12% controller or 30% controller of a designated entity, designated business trust or designated trust, the Board may do any one or more of the following:

(*a*) direct the person to take such steps as are necessary, within the period specified by the Board, to cease to be a 12%

controller or 30% controller (as the case may be) of the designated entity, designated business trust or designated trust, as the case may be;

(*b*) direct the transfer or disposal of all or any of the equity interest in the designated entity, designated business trust or designated trust (as the case may be) held by the person or any of the person's associates (called in this section and section 44H the specified equity interest), within such time and subject to such conditions as the Board considers appropriate;

(*c*) direct that the transfer or disposal of all or any of the specified equity interest be restricted, subject to any conditions that the Board considers appropriate;

(*d*) make any other direction that the Board considers appropriate.

[13/2020]

(3) Where the person mentioned in subsection (1) is an indirect controller of a designated entity, designated business trust or designated trust, the Board may do one or both of the following:

(*a*) direct the person, or direct the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) to take such steps as are necessary, within the period specified by the Board, to cease to be such an indirect controller or to cause the person to cease to be such an indirect controller, as the case may be;

(*b*) make any other direction that the Board considers appropriate.

[13/2020]

(4) Where the person mentioned in subsection (1) has acquired as a going concern a business or an undertaking mentioned in section 44F(4), the Board may do one or both of the following:

(*a*) direct the person to transfer or dispose of all or any part of the business or undertaking within such time and subject to any conditions that the Board considers appropriate;

(*b*) make any other direction that the Board considers appropriate.

[13/2020]

(5) Before issuing any direction to a person under subsection (2), (3) or (4), the Board must —

(*a*) unless the Board decides that it is not practicable or desirable to do so, give the person written notice of the Board's intention to issue the direction and specify a date by which the person may make written representations with regard to the direction; and

(*b*) consider every written representation from the person received on or before the specified date mentioned in paragraph (*a*).

[13/2020]

(6) The Board may, at any time, revoke, vary or discharge any direction under subsection (2), (3) or (4) or suspend the operation of any such direction.

[13/2020]

(7) Any person who is aggrieved by the Board's decision to issue a direction under subsection (2), (3) or (4) or to vary a direction under subsection (6) may, within 14 days after being informed of the decision, appeal to the Minister whose decision is final.

[13/2020]

(8) Despite the fact that any appeal under subsection (7) is pending, any direction issued by the Board under subsection (2), (3) or (4) and any variation of a direction under subsection (6) take effect from the date specified by the Board, unless the Minister otherwise directs.

[13/2020]

(9) Any person who fails to comply with a direction issued by the Board under subsection (2), (3) or (4) (including a direction that is varied under subsection (6)) within the period specified by the Board shall be guilty of an offence.

[13/2020]

Effect of remedial directions, etc.

44H.—(1) Any direction issued to a person, and any condition imposed, under section 44G(2), (3) or (4) take effect, despite —

(*a*) the Business Trusts Act 2004, the Companies Act 1967 and the Limited Liability Partnerships Act 2005;

(*b*) anything in any listing rules as defined in section 2(1) of the Securities and Futures Act 2001; and

(*c*) the provisions of the memorandum or articles of association, trust deed or other constitution of the designated entity, designated business trust or designated trust in question.

[13/2020]

(2) Without affecting subsection (1), where any direction is issued under section 44G(2) or (3), then, until the direction is carried out or is discharged, suspended or revoked —

(*a*) the voting rights in respect of the specified equity interest that is subject to the direction are not exercisable unless the Board expressly permits those rights to be exercised;

(*b*) the voting power that the person to whom the direction is issued controls, whether alone or together with that person's associates, in the designated entity, designated business trust or designated trust (as the case may be) is not exercisable unless the Board expressly permits that power to be exercised;

(*c*) no equity interest in the designated entity, designated business trust, or designated trust is to be issued or offered (whether by way of dividends or otherwise) in respect of the specified equity interest that is subject to the direction, unless the Board expressly permits that issue or offer; and

(*d*) no amount may be paid (whether by way of profits, income or otherwise) in respect of the specified equity interest that is subject to the direction, unless the Board expressly authorises that payment.

[13/2020]

(3) Subsection (2)(*d*) does not apply in the event of a winding up, dissolution or termination of the designated entity, designated business trust or designated trust, as the case may be.

[13/2020]

Restrictions on voluntary winding up, etc.

44I.—(1) Despite any other written law —

(*a*) a designated entity that is a corporation or a limited liability partnership cannot be wound up voluntarily without the consent of the Board;

(*b*) a designated entity that is a partnership cannot be dissolved —

(i) by a partner giving notice to the other partner or other partners (as the case may be) of the partner's intention to dissolve the partnership; or

(ii) by the partners agreeing to dissolve the partnership,

without the consent of the Board;

(*c*) a designated business trust cannot be wound up voluntarily without the consent of the Board;

(*d*) a designated trust cannot be wound up or terminated voluntarily without the consent of the Board;

(*e*) a person must not make any application under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a designated entity that is a corporation, unless that person has served 14 days' notice in writing of that person's intention to make that application on the Board;

(*f*) no judicial management order under Part 7 of the Insolvency, Restructuring and Dissolution Act 2018 may be made in relation to a designated entity that is a corporation without the consent of the Board;

(*g*) no interim judicial manager or judicial manager may be appointed under section 94 of the Insolvency, Restructuring and Dissolution Act 2018 in respect of a designated entity that is a corporation without the consent of the Board;

(*h*) a person must not take any step to enforce any security over a designated entity, the trust property of a designated

business trust or the trust property of a designated trust, unless that person has served 14 days' notice in writing of that person's intention to take that step on the Board; and

(*i*) a person must not take any step to enforce any judgment or order of court obtained against a designated entity, designated business trust or designated trust, unless that person has served 14 days' notice in writing of that person's intention to take that step on the Board.

[13/2020]

[Act 25 of 2021 wef 01/04/2022]

(2) The Board must be a party to —

(*a*) any proceedings relating to the making of an order under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a designated entity that is a corporation;

(*b*) any proceedings relating to the making of a judicial management order under the Insolvency, Restructuring and Dissolution Act 2018 in relation to a designated entity that is a corporation;

(*c*) any proceedings under the Insolvency, Restructuring and Dissolution Act 2018 relating to the winding up of the affairs of a designated entity that is a company or an unregistered company;

(*d*) any proceedings under the Limited Liability Partnerships Act 2005 relating to the winding up of the affairs of a designated entity that is a limited liability partnership; and

(*e*) any proceedings before any court for the dissolution, winding up or termination (as the case may be) of any designated entity not mentioned in paragraph (*c*) or (*d*), or of any designated business trust or designated trust.

[13/2020]

(3) A court must, when deciding any proceedings mentioned in subsection (2), take into consideration any representations made by the Board in those proceedings.

[13/2020]

Penalties under this Division

44J. A person guilty of an offence under this Division shall be liable on conviction —

(*a*) in the case of an individual, to a fine not exceeding $500,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding $50,000 for every day or part of a day during which the offence continues after conviction; or

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

[13/2020]

Division 3 — Special administration order

Meaning and effect of special administration order

44K.—(1) A special administration order is an order of the Minister, made in accordance with section 44L in relation to a designated entity, designated business trust or designated trust, directing that, during the period for which the order is in force, the affairs, business and property of that designated entity, designated business trust or designated trust (as the case may be) is to be managed by a person appointed by the Minister (which may include the Board) —

(*a*) for securing one or more of the purposes of such order set out in subsection (2); and

(*b*) in a manner which protects the respective interests of the shareholders, unitholders or beneficiaries (as the case may be) and the creditors of, the designated entity, designated business trust or designated trust, as the case may be.

[13/2020]

(2) The purposes mentioned in subsection (1)(*a*) are the following:

(*a*) the security and reliability of the supply of water in Singapore;

(*b*) the survival of the designated entity, designated business trust or designated trust (as the case may be), or the whole or any part of its business or undertaking, as a going concern;

(*c*) the transfer to another person, or (as respects different parts of its business or undertaking) to 2 or more different persons, as a going concern, of so much of the business or undertaking of a designated entity, designated business trust or designated trust as it is necessary to transfer in order to ensure that the obligations of the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) under or in respect of any contract with the Board —

(i) to supply water to the Board; or

(ii) to collect, treat, recover or dispose of used water (including sewage, waste matter and effluent),

may be properly carried out;

(*d*) the carrying out of the obligations of the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) under or in respect of any contract with the Board —

(i) to supply water to the Board; or

(ii) to collect, treat, recover or dispose of used water (including sewage, waste matter and effluent),

pending the making of the transfer, as a going concern, of the business or undertaking of the designated entity, designated business trust or designated trust to any other person or persons.

[13/2020]

(3) The Minister may make regulations under section 72 for giving effect to this Division, including —

(*a*) regulations governing the transfer of a business or an undertaking of a designated entity, designated business trust or designated trust referred to in subsection (2)(*c*); and

(*b*) where a special administration order is made, regulations for applying, omitting or modifying the provisions of Part 7 of the Insolvency, Restructuring and Dissolution Act 2018.

[13/2020]

Power to make special administration order, etc.

44L.—(1) If, on an application made to the Minister by the Board in relation to a designated entity, designated business trust or designated trust, the Minister is satisfied that any one or more of the grounds specified in subsection (2) are satisfied in relation to that designated entity, designated business trust or designated trust (as the case may be), the Minister may make any one or more of the following orders:

(*a*) a special administration order in relation to that designated entity, designated business trust or designated trust, as the case may be;

(*b*) an order requiring the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) immediately to take any action or to do or not to do any act or thing in relation to the business or undertaking of the designated entity, the designated business trust or the designated trust as the Minister may consider necessary;

(*c*) an order appointing a person to advise that designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) in the proper conduct of the business or undertaking of the designated entity, the designated business trust or the designated trust.

[13/2020]

(2) The grounds mentioned in subsection (1) are the following:

(*a*) the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) is or is likely to be unable to pay its debts;

(*b*) the occurrence of a public emergency;

(*c*) the Minister considers it in the interest of the security and reliability of the supply of water in Singapore;

(*d*) the Minister considers it to be in the public interest.

[13/2020]

(3) The Minister may make a special administration order in relation to a designated entity, designated business trust or designated trust, despite the commencement of (if applicable) —

(*a*) any proceedings relating to the making of an order under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a designated entity that is a corporation;

(*b*) any proceedings relating to the making of a judicial management order under the Insolvency, Restructuring and Dissolution Act 2018 in relation to a designated entity that is a corporation;

(*c*) any meeting convened under section 94(7) of the Insolvency, Restructuring and Dissolution Act 2018 in respect of a designated entity that is a corporation;

(*d*) any proceedings under the Insolvency, Restructuring and Dissolution Act 2018 relating to the winding up of the affairs of a designated entity that is a company or an unregistered company;

(*e*) any proceedings under the Limited Liability Partnerships Act 2005 relating to the winding up of the affairs of a designated entity that is a limited liability partnership; or

(*f*) any proceedings before any court for the dissolution, winding up or termination (as the case may be) of any designated entity not mentioned in paragraph (*d*) or (*e*), or of any designated business trust or designated trust.

[13/2020]

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

[13/2020]

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

[13/2020]

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

[13/2020]

(7) For the purposes of this section —

(*a*) a designated entity that is a company is unable to pay its debts if it is deemed to be unable to pay its debts under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018;

(*b*) a designated entity that is an unregistered company is unable to pay its debts if it is deemed to be unable to pay its debts under section 246(2) of the Insolvency, Restructuring and Dissolution Act 2018; and

(*c*) a designated entity that is a limited liability partnership is unable to pay its debts if it is deemed to be unable to pay its debts under paragraph 3(2) of the Fifth Schedule to the Limited Liability Partnerships Act 2005.

[13/2020]

(8) The Minister may at any time (whether or not the appointment of the person has terminated) fix the remuneration and expenses to be paid by the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) to any person appointed by the Minister under subsection (1)(*c*) to advise the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) in the proper conduct of its business or undertaking.

[13/2020]

(9) Where —

(*a*) the Minister issues an order under subsection (1) to a designated entity, the trustee-manager of a designated business trust or the trustee of a designated trust; and

(*b*) the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) fails to comply with that order,

the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) shall be guilty of an offence.

[13/2020]

Transfer of property, etc., under special administration order

44M.—(1) Without limiting sections 44K and 44L, a special administration order may provide for the following matters:

(*a*) the transfer of —

(i) the property, rights and liabilities of a designated entity;

(ii) the trust property of the designated business trust, and the rights held and the liabilities incurred by the trustee-manager of the designated business trust in its capacity as trustee-manager of the designated business trust; or

(iii) the trust property of the designated trust, and the rights held and the liabilities incurred by the trustee of the designated trust in the person's capacity as trustee of the designated trust,

as the case may be, to one or more prescribed transferees;

(*b*) matters that are consequential or related to any such transfer.

[13/2020]

(2) If the Minister makes a special administration order providing for any matter mentioned in subsection (1), the Minister must, within the time specified in subsection (4), by notification in the *Gazette*, establish a scheme for determining the amount of any compensation payable by the prescribed transferee to the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) for the transfer of the property, rights and liabilities.

[13/2020]

(3) A scheme established under subsection (2) may provide for —

(*a*) the manner in which any compensation or consideration is to be assessed, including methods of calculation, valuation dates and matters to be taken into account or disregarded when making valuations;

(*b*) the assessment to be made by an independent valuer appointed by the Minister; and

(*c*) the remuneration and expenses of the independent valuer.

[13/2020]

(4) Subject to subsection (5), the time specified for the purposes of subsection (2) is within 6 months after the making of the special administration order mentioned in subsection (2).

[13/2020]

(5) The time specified in subsection (4) may be extended by agreement of the prescribed transferee and the designated entity, the trustee-manager of the designated business trust or the trustee of the designated trust (as the case may be) to which the scheme established under subsection (2) relates.

[13/2020]

(6) In this section, "prescribed transferee" means —

(*a*) the Board; or

(*b*) a person nominated by the Board.

[13/2020]

PART 5

OFFENCES

Maintenance of water service installation

45.—(1) Any person responsible for the maintenance of any water service installation must 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 storage tank must, whenever the Board so requires, engage a professional engineer 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 any 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.

[9/2012; 11/2018; 13/2020]

(3) Every professional engineer engaged under subsection (2) must 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 must immediately notify —

(*a*) the person responsible for the maintenance of the water service installation; and

(*b*) the Board,

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

(5) Upon notification by the professional engineer, the person mentioned in subsection (4)(*a*) must immediately take the remedial measures.

(6) The professional engineer must issue a certificate of inspection and fitness to the person responsible for the maintenance of the water service installation if the professional engineer 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.

(8) Regulations made under section 72 may specify —

(*a*) the persons responsible for the matters mentioned in subsections (1) and (2); and

(*b*) additional responsibilities of any person responsible in relation to a water service installation, or any part of the water service installation.

[11/2018]

Security of water service installation having certain storage tank

45A.—(1) A person responsible for the security of a water service installation having a storage tank from which piped water suitable for drinking (excluding NEWater) is drawn must ensure that —

(*a*) the storage tank (including any tap fitted to the storage tank) and its appurtenances; and

(*b*) the premises where the storage tank and its appurtenances are located,

are secured against unauthorised access and tampering.

[13/2020]

(2) Subject to subsection (3), a person (*A*) responsible for the security of a water service installation having a storage tank from which piped water suitable for drinking (excluding NEWater) is drawn must ensure that —

(*a*) no person, except with *A*'s authority, has access to —

(i) the storage tank (including any tap fitted to the storage tank) and its appurtenances; or

(ii) the premises where the storage tank and its appurtenances are located;

(*b*) the storage tank (including any tap fitted to the storage tank) and its appurtenances, and the premises where the storage tank and its appurtenances are located, are kept properly locked at all times;

(*c*) checks are conducted regularly for the purpose of ascertaining whether paragraph (*b*) is being complied with;

(*d*) proper records are kept of —

(i) persons granted access to the storage tank (including any tap fitted to the storage tank) and its

appurtenances, or the premises where the storage tank and its appurtenances are located; and

(ii) checks conducted under paragraph (*c*),

and that those records are made available for inspection by an authorised officer; and

(*e*) the Board is notified without delay of any unauthorised access to the storage tank (including any tap fitted to the storage tank) or its appurtenances which comes to *A*'s knowledge.

[13/2020]

(3) Subsection (2) does not apply to a person responsible for the security of a water service installation having any storage tank in residential premises which do not take their water supply through a master meter.

[13/2020]

(4) A person must not, except with the express permission of the person responsible for the security of a water service installation having a storage tank from which piped water suitable for drinking (excluding NEWater) is drawn —

(*a*) enter the premises where the storage tank and its appurtenances are located; or

(*b*) open or operate the storage tank or its appurtenances.

[13/2020]

(5) Any person who, without reasonable excuse, contravenes subsection (1), (2) or (4) 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 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding $1,000 for every day or part of a day during which the offence continues after conviction.

[13/2020]

(6) In this section —

"appurtenances", in relation to a storage tank, means any equipment attached or linked to the storage tank that is

necessary to ensure the proper functioning of the storage tank;

"NEWater" means NEWater supplied through the water reticulation system of the Board to persons who have entered into an agreement with the Board for the supply of NEWater.

[13/2020]

(7) Regulations made under section 72 may specify the person or persons responsible for the security of a water service installation having a storage tank.

[13/2020]

Duties of person laying pipes

46.—(1) Any person who lays any pipe in the vicinity of another pipe must, if one of the pipes is or is to be used to convey water suitable for drinking 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 so that they can be distinguished from each other.

[11/2018]

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

[11/2018]

(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 —

(*a*) removes, destroys or damages any property belonging to or under the management or control of the Board; or

(*b*) 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.

[9/2012]

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

[9/2012]

(3) If it appears to the Board that there has been a contravention of subsection (1), the Board may, by written notice, require any person who has done any of the acts referred to in that subsection or any other person who may be liable under that subsection by virtue of section 56A (called in this section 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 the time specified in the notice.

[9/2012]

(3A) All costs and expenses incurred by a person in complying with the notice mentioned in subsection (3) must be borne by the person.

[Act 27 of 2023 wef 01/01/2024]

(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 as a debt due to it all expenses reasonably incurred in doing so from the person in default.

[9/2012]

[Act 27 of 2023 wef 01/01/2024]

(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 as a debt due to it all expenses reasonably incurred in doing so from the person in default.

[9/2012]

[Act 27 of 2023 wef 01/01/2024]

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

[9/2012]

(7) Nothing in this section prohibits the Board from carrying out any works specified in a notice under subsection (3) at the request of a person on whom the notice has been served, upon the person undertaking to pay the Board's costs and expenses in carrying out the works.

[Act 27 of 2023 wef 01/01/2024]

(8) Nothing in subsection (7) imposes on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to carry out the works mentioned in that subsection.

[Act 27 of 2023 wef 01/01/2024]

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 or connecting pipe 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 or connecting pipe 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.

[9/2012; 11/2018]

(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.

[9/2012]

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

[9/2012]

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

[9/2012; 11/2018]

(4A) All costs and expenses incurred by a person in complying with the notice mentioned in subsection (4) must be borne by the person.

[Act 27 of 2023 wef 01/01/2024]

(5) If the Board is of the opinion that immediate action is necessary or expedient or that the water main, connecting pipe, 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, connecting pipe, installation or water installation to its original condition, or replace it; and

(*b*) recover as a debt due to it all expenses reasonably incurred in doing so from the person in default.

[9/2012; 11/2018]

[Act 27 of 2023 wef 01/01/2024]

(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 as a debt due to it all expenses reasonably incurred in doing so from the person in default.

[9/2012]

[Act 27 of 2023 wef 01/01/2024]

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

[9/2012]

(7A) Nothing in this section prohibits the Board from carrying out any works specified in a notice under subsection (4) at the request of a person on whom the notice has been served, upon the person undertaking to pay the Board's costs and expenses in carrying out the works.

[Act 27 of 2023 wef 01/01/2024]

(7B) Nothing in subsection (7A) imposes on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to carry out the works mentioned in that subsection.

[Act 27 of 2023 wef 01/01/2024]

(8) In this section, a reference to a "water main" or "connecting pipe" includes, for a water main or connecting pipe situated beneath the seabed, any protective armour or casing surrounding the water main or connecting pipe.

[11/2018]

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 must, in addition to any penalty for which the person is liable for an offence under this Act, be

liable to pay compensation for the damage the person has done and the compensation is recoverable by civil action.

[Act 27 of 2023 wef 01/01/2024]

(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,

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 of a day during which the offence continues after conviction.

[9/2012]

(2) Any person who —

(*a*) dishonestly or fraudulently abstracts or uses, or dishonestly or fraudulently diverts or causes to be diverted, any water supplied by the Board;

[Act 27 of 2023 wef 01/01/2024]

(*b*) without the written consent of the Board, supplies for consideration any other person with any water supplied to the firstmentioned person for any purpose by the Board;

(*c*) without the consent of the Board, interferes with, interrupts or obstructs the operation of any meter supplied by the Board; or

(*d*) 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 of a day during which the offence continues after conviction.

[13/2020]

(3) Where a person is prosecuted for an offence under subsection (2)(*c*) in respect of an AMI meter, the installation, placement or erection by the person of any device, structure or object that is designed or is capable of being used to interfere with, interrupt or obstruct the electromagnetic function of an AMI meter, when the AMI meter is in the custody or under the control of the person, is prima facie evidence that the person has interfered with, interrupted or obstructed the operation of the AMI meter.

[13/2020]

(4) Where any person is prosecuted for an offence under subsection (2)(*d*) —

(*a*) the possession by the person 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, is prima facie evidence that the person has altered or tampered with the meter.

(5) Without limiting subsection (4), where a person is prosecuted for an offence under subsection (2)(*d*) in respect of an AMI meter —

(*a*) the existence of a cut in the wires leading to or within the AMI meter;

(*b*) the disconnection of wires leading to or within the AMI meter that were connected at the time the AMI meter was supplied;

(*c*) the existence of a hole in the body of an AMI meter which did not exist at the time that the AMI meter was supplied; or

(*d*) the removal, modification or displacement of, or damage to, any seal, screw, component or mechanism of the AMI meter,

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

[13/2020]

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

[9/2012]

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, his or her duty, or of anything which it, he or she 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.

[9/2012]

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 the person 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, herself or itself 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, is sufficient evidence of the matters stated in the certificate.

Jurisdiction of court

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

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 (called in this section 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 or her identity and the person must thereupon furnish such evidence of his or her identity as may be required by the police officer, authorised officer or authorised person, as the case may be.

[9/2012]

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

[9/2012]

(3) Any person who —

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

(*b*) wilfully misstates such information,

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

[9/2012]

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 or her, and that person must 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 that document.

[9/2012]

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

[9/2012]

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

(*a*) be reduced to writing;

(*b*) be read over to the person;

(*c*) if the person does not understand English, be interpreted for him or her in a language that the person understands; and

(*d*) after correction, if necessary, be signed by the person.

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

[9/2012]

Power to enter and investigate

55B.—(1) An authorised officer may, at any time without notice, enter any premises or board any vessel in any reservoir or waterway, and do all or any of the following for the specified purposes:

(*a*) search the premises or vessel and take possession of anything found in the premises or vessel;

(*b*) require the production of, and take and retain extracts from or copies of, records, certificates, notices and documents (wherever and by whoever they are kept);

(*c*) take and retain samples of any materials (whether solid, liquid, gaseous or vapour) found for the purpose of analysis;

(*d*) take any photographs or video recordings that the authorised officer thinks necessary;

(*e*) require any individual whom the authorised officer finds in the premises or vessel to produce his or her identity card or other identification papers for inspection.

[11/2018]

(2) In subsection (1), "specified purposes" means all or any of the following purposes:

(*a*) to ascertain whether the requirements imposed by or under this Act are complied with;

(*b*) to investigate a suspected offence under this Act;

(*c*) to investigate whether there is any circumstance that may result in the suspension or cancellation of a plumber's licence.

[11/2018]

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 affecting the liability of the firstmentioned person, be liable for that offence in the same manner and to the same extent as if that other person had personally committed the offence unless that other person proves to the satisfaction of the court that the offence was committed without the consent or connivance, and that it was not attributable to any neglect on the part, of that other person.

[9/2012]

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 the person's 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 any other requirements that 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.

[9/2012]

(2) For the purpose of subsection (1)(*a*), any person may, on 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.

[9/2012]

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 of a day during which the offence continues after conviction.

Composition of offences

59.—(1) The Board may —

(*a*) compound any offence under section 45A by collecting from a person reasonably suspected of having committed the offence a sum not exceeding $10,000; and

(*b*) compound any other offence under this Act or regulations made under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding $3,000.

[13/2020]

(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 must be paid into the Consolidated Fund.

[11/2018]

PART 6

TRANSFER TO BOARD OF PROPERTY, LIABILITIES AND EMPLOYEES

Transfer to Board of property, assets and liabilities

60.—(1) As from 1 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 are transferred to and 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 is 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) must be held by the Board upon such tenure and subject to such terms and conditions as the President may determine.

(4) Every proceeding by or against the Government relating to the Sewerage Department or the Drainage Department which is pending on 1 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 1 April 2001, whether or not of such nature that the rights and liabilities under the agreement could be assigned, has effect as from that date as if —

(*a*) the Board had been a party to the 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 1 April 2001 a reference to the Board.

Transfer of employees

61.—(1) As from 1 April 2001, all persons employed immediately before that date by the Sewerage Department and the Drainage Department are 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 continue to apply to every person transferred to the service of the Board under subsection (1) as if he or she 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 must 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 must 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) The terms and conditions to be drawn up by the Board must not 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 1956.

(4) Where a person has been transferred to the service of the Board under section 61, the Government is liable to pay to the Board such portion of any pension, gratuity or allowance payable to the person on his or her retirement as the same bears to the proportion which the aggregate amount of his or her pensionable emoluments during his or her service with the Government bears to the aggregate amount of his or her pensionable emoluments during his or her 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 that person or to any other person or persons wholly or partly dependent on that

person, 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. Despite the provisions of the Pensions Act 1956, a person who is transferred to the service of the Board under section 61 is not entitled to claim any benefit under that Act on the ground that he or she 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 1 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 continue in force on and after that date and are 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 1 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 must be carried on and completed by the Board.

(2) Where on 1 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 on the matter, the committee must complete the hearing or investigation and must 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 is treated as an order, a ruling or a direction of the Board and has 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, while he or she was in the employment of the Government, had been guilty of any misconduct or neglect of duty which would have rendered him or her liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he or she had continued to be in the employment of the Government and if this Act had not been enacted.

PART 7

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

[9/2012]

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 or her view or who he or she 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 or her;

(*b*) the person declines to give his or her 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 or her name and address are correctly ascertained.

(3) A person arrested under this section must not be detained longer than is necessary for bringing him or her before a court unless the order of a court for his or her 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 are, in case of dispute, or failure to pay, to 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.

[9/2012]

(2) In any proceeding under subsection (1), the Magistrate's Court or 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 any order concerning the expenses or their apportionment that 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.

[9/2012]

(3) A Magistrate's Court or District Court is not to order the expenses or any part of the expenses 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.

[9/2012]

(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 District Court and recovered in the same way as if it were a fine imposed by a Magistrate's Court or District Court, as the case may be.

[9/2012]

(5) An appeal lies to the General Division of the High Court from any decision of a Magistrate's Court or District Court under this

section, and the provisions of the Criminal Procedure Code 2010 apply, with the necessary modifications, to all such appeals.

[9/2012; 40/2019]

General exemption

69. The Board may, with the approval of the Minister, either permanently or for any period that it thinks 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) Where a document that is permitted or required by this Act to be served on a person (whether the expression "serve" or "give" or any other expression is used), the document may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

(*a*) by giving it to the individual personally;

(*b*) by sending it by post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address;

(*c*) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;

(*d*) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;

(*e*) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or

(*f*) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

(*a*) by giving it to any partner, secretary or other similar officer of the partnership;

(*b*) by leaving it at, or by sending it by post to, the partnership's business address;

(*c*) by sending it by fax to the fax number used at the partnership's business address; or

(*d*) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

(*a*) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;

(*b*) by leaving it at, or by sending it by post to, the registered office or principal office in Singapore of the body corporate or unincorporated association;

(*c*) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association; or

(*d*) by sending it by email to the last email address of the body corporate or unincorporated association.

(5) In addition, a document permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

(*a*) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents; or

(*b*) by any other method authorised by any regulations for the service of documents of that kind if the addressee consents

in the manner provided in the regulations to service of a document of that kind in that way.

(6) Service of a document takes effect —

(*a*) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

(*b*) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; or

(*c*) if the document is sent by post, 2 days after the day the document was posted (even if it is returned undelivered).

(7) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification may be effected only with the person's prior written consent to service in that way.

(8) This section does not apply to documents to be served in proceedings in court.

(9) In this section —

"business address" means —

(*a*) in the case of an individual, the individual's usual or last known place of business in Singapore; or

(*b*) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

"chosen means of access", for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means the addressee agrees with the person giving or serving the document as the means by which the addressee may access that document's contents;

"chosen means of notification", for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by

which the addressee may be notified that such a document has been served on the addressee;

"document" includes a notice or an order permitted or required by this Act to be served;

"last email address" means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

"residential address" means an individual's usual or last known place of residence in Singapore.

[Act 27 of 2023 wef 01/01/2024]

Use of electronic service for making applications

70A.—(1) The Board may permit an application to it under Part 3B to be made through the electronic service described in section 42AA of the Building Control Act 1989.

(2) Where a person uses the electronic service mentioned in subsection (1) to make an application to the Board, the Board may serve on the person any acknowledgment, approval, certificate, direction, notice, permit or other document in connection with the application, by sending it to the person's account with the electronic service.

(3) Service of a document on a person under subsection (2) takes effect at the time when an electronic record of the document reaches the person's account with the electronic service.

(4) This section applies despite anything to the contrary in this Act.

(5) In this section, "electronic record" has the meaning given by section 2(1) of the Electronic Transactions Act 2010.

[Act 27 of 2023 wef 01/01/2024]

Evidence

71.—(1) The contents of any document prepared, issued or served under or for the purposes of this Act are, until the contrary is proved, presumed to be correct and the production of any book purporting to contain any apportionment made under this Act is, without any other

evidence, to be received as prima facie proof of the making and validity of the apportionment mentioned in the book.

(2) All records, registers and other documents kept by the Board or by any authorised officer for the purposes of this Act are deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for their custody to be true copies or extracts (as the case may be) and subscribed by that officer with his or her name and his or her official title are 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 limiting 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 meters and the prohibition of interference with or damage to the meters or seals affixed on the meters;

(*f*) the prohibition of interference with, or damage to, water appliances supplied by the Board and plates or marks on the appliances;

(*g*) the protection, preservation and conservation of water catchment areas and of any property in those areas;

(*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, conveyance or distribution of water, must be made, and of the size, shape, fitting, arrangement, connection, workmanship, examination, testing, position and method of cleaning them;

(*ia*) the regulation of the supply and use of water fittings and equipment requiring water for their use or operation (called in this paragraph water equipment), including —

(i) the registration of suppliers of water fittings and water equipment;

[Act 27 of 2023 wef 01/01/2024]

(ii) the requirements for water fittings and water equipment, the imposition of water efficiency practices for water fittings and water equipment, and the labelling of water fittings and water equipment; and

[Act 27 of 2023 wef 01/01/2024]

(iii) the recall of water fittings and water equipment;

[Act 27 of 2023 wef 01/01/2024]

(*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 used in the event of any meter becoming out of order;

[Act 27 of 2023 wef 01/01/2024]

(*la*) the prescribing of the matters concerning price that a person supplying extracted water or water derived from extracted water to a customer must inform the customer of, and the manner in which the customer must be informed of such matters;

[Act 27 of 2023 wef 01/01/2024]

(*lb*) the duties and obligations of a person mentioned in section 40(2), including the form and manner of the submission to the Board of the projected water balance chart for the new facility;

[Act 27 of 2023 wef 01/01/2024]

(*m*) in relation to the regulation of regulated works or WSI design works —

(i) the process for an application for a plumber's licence, the form of a plumber's licence, and the replacement of a plumber's licence;

(ii) the duties of licensed plumbers in respect of any regulated works; and

(iii) the duties of professional engineers in respect of any WSI design works;

(*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 on 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 of the permits;

(ii*a*) the requirements relating to the use, stowage, storage, conveyance, loading or unloading of dangerous cargoes on such vessels, including the

requirement to obtain the Board's approval and the fees payable for such approval;

(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 or waterway and the fees payable in respect of the use;

(*na*) the issue of an order by the Board to stop any activity that has caused damage, or is likely to cause damage, to any apparatus, appliance, fittings, pipes and works belonging to the Board used in connection with the collection, production, conveyance or supply of water;

(*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.

[9/2012; 11/2018; 13/2020]

(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 of a day during which the offence continues after conviction.

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

Incorporation by reference

72A.—(1) The regulations made under section 72 may apply, adopt or incorporate by reference —

(*a*) wholly or partially;

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

(*c*) specifically or by reference,

any code of practice, standard, requirement, specification or other document that relates to any subject matter of any regulations made under section 72 (called in this section the material), as in force or published at a particular time or as in force or published from time to time.

[11/2018]

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

[11/2018]

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

[11/2018]

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

[11/2018]

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

(*a*) that the material is incorporated in the regulations, and the date on which the relevant provision in the regulations was made;

(*b*) that the material is available for inspection, free of charge, and the place at which the material may be inspected;

(*c*) that copies of the material can be purchased, and the place where the material can be purchased; and

(*d*) if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained.

[11/2018]

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

[11/2018]

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

[11/2018]

Advisory guidelines

72B.—(1) The Board may issue advisory guidelines for the purposes of providing practical guidance or certainty in respect of any one or more requirements imposed by or under this Act.

[11/2018]

(2) The advisory guidelines may —

(*a*) be of general or specific application; or

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

[11/2018]

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

[11/2018]

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

[11/2018]

Transitional provisions

73.—(1) All acts done by the Board before 1 April 2001 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 1 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 Revised Edition) continues, so far as it is not inconsistent with the provisions of this Act, and is 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 (Cap. 261, 1996 Revised Edition) and in force immediately before 1 April 2001 continues in force, so far as it is not inconsistent with the provisions of this Act, as if made under this Act until it is revoked or repealed by subsidiary legislation made under this Act.

(5) Despite the repeal of the Public Utilities Act (Cap. 261, 1996 Revised Edition), as from 1 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 continue in force, with the necessary modifications, as if that Act has not been repealed;

(*b*) all licences granted before 1 April 2001 under section 38 and Part VIII of that Act 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 1 April 2001 under section 38 and Part VIII of that Act,

are to 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 (Cap. 261, 1996 Revised Edition).

(6) Despite the repeal of the Public Utilities Act (Cap. 261, 1996 Revised Edition), as from 1 April 2001, sections 62 to 65 of that Act continue in force and apply to the successor companies mentioned in those sections as if that Act had not been repealed.

(7) All acts done by or on behalf of the Director of Sewerage and Drainage before 1 April 2001 under the Sewerage and Drainage Act 1999 in force before that date 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 1 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 1 April 2001 under the Sewerage and Drainage Act 1999 in force before that date continues and is 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.

FIRST SCHEDULE

Section 5(2)

CONSTITUTION AND PROCEEDINGS OF BOARD

Appointment of Chairperson and members

1.—(1) The Chairperson and other members of the Board must be appointed by the Minister and 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.

FIRST SCHEDULE — *continued*

Appointment of Deputy Chairperson

2.—(1) The Minister may appoint any member of the Board to be Deputy Chairperson of the Board.

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

Temporary Chairperson, Deputy Chairperson or member

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

Revocation of appointment

4. The Minister may, at any time, revoke the appointment of the Chairperson, Deputy Chairperson or any member if the Minister considers the 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 from 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 becomes vacant —

(*a*) on the member's death;

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

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

(*d*) if the member is adjudicated a bankrupt;

(*e*) if the member resigns from office; or

(*f*) if the member's 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 holds office for the remainder of the term for which the vacating member was appointed.

Disqualification from membership

8. A person must not be appointed or must not continue to hold office as a member if the person —

(*a*) is an undischarged bankrupt or has made any arrangement with the person's 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.

Sealing of documents

9.—(1) All deeds, documents and other instruments requiring the seal of the Board must 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 must be signed by those officers.

(2) Such signing is 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 11 of the Registration of Deeds Act 1988 does not apply to any instrument purporting to have been executed under sub-paragraph (1).

Salaries and fees payable to members of Board

10. The members of the Board are to be paid, out of the funds of the Board, such salaries, fees and allowances as the Minister may determine.

Quorum

11.—(1) The quorum at every meeting of the Board is one-third of the total number of members or 3 members, whichever is the higher; and no business may be transacted unless a quorum is present.

(2) The Chairperson, or in his or her absence the Deputy Chairperson, presides at meetings of the Board, and if both the Chairperson and Deputy Chairperson are

absent from any meeting or part of the meeting, such member as the members present may elect presides at that meeting or part of the meeting.

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

Vacancies

12. The Board may act despite any vacancy in its membership.

Procedure at meetings

13.—(1) The Chairperson or any other officer authorised by him or her must, 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 and the Public Sector (Governance) Act 2018, 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 the meetings, the proceedings at the meetings, the keeping of minutes, the custody, production and inspection of the minutes, and the opening, keeping, closing and auditing of accounts.

Appointment of committees and delegation of powers

14.—(1) The Board may appoint from among its own members or persons who are not members any number of committees that 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 those committees.

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

(3) The Board may, subject to any conditions or restrictions that 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 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.

[25/2009; 5/2018]

SECOND SCHEDULE

Section 7(1)

POWERS OF BOARD

1. To undertake building works and any activities connected with coastal management.

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 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 Minister's approval, in the formation of any company for any other purposes that may be approved by the Minister; and

(*c*) in any joint venture or partnership.

6. To sell, with the Minister's approval, 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.

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 suitable for drinking.

12. To do anything incidental to any of its duties and functions.

[11/2018; 13/2020]

THIRD SCHEDULE

Section 17

FINANCIAL PROVISIONS

Financial year

1. The financial year of the Board begins on 1 April of each year and ends on 31 March of the succeeding year.

Accounts of Board

2. The Board must keep separate accounts in respect of the water undertaking, sewerage function, drainage function and coastal management function of the Board.

[2/2007; 5/2018; 13/2020]

FOURTH SCHEDULE

Sections 24A(4), 32(3), 40A, 40B and 40C

COMPENSATION FOR TEMPORARY OCCUPATION OF PREMISES

First column	*Second column*
Item for which compensation may be claimed	*Basis on which compensation is to be assessed*
1. Loss due to displacement (whether temporary or permanent) of any person in lawful occupation of the premises on the date of the notice under section 24A(3) or 32(2), as the case may be.	(*a*) The financial loss naturally and reasonably resulting from the displacement of the person from the premises. (*b*) All reasonable expenses incurred by such a person in removing from the premises from which the person is displaced, including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement.
2. Any structural damage to any building resulting from the exercise of the right of entry and occupation and use of the premises under section 24A or 32, as the case may be.	(*a*) The financial loss naturally and reasonably resulting from the displacement because of the structural damage. (*b*) All reasonable expenses incurred in removing from the building,

FOURTH SCHEDULE — *continued*

First column *Item for which compensation may be claimed*	*Second column* *Basis on which compensation is to be assessed*
	including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement.
	(*c*) The amount which is, or might be, fairly and reasonably incurred in repairing the damage to the building, or in a case where the structural damage is so extensive as to require the removal of the building, the amount which is, or might be, fairly and reasonably incurred in replacing a similar building.
	(*d*) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the premises under section 24A or 32, as the case may be.
3. Any other damage to the land or a building resulting from the exercise of the right of entry and occupation and use of the premises under section 24A or 32, as the case may be.	(*a*) The amount that is, or might be, fairly and reasonably incurred in repairing the damage.
	(*b*) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the premises under section 24A or 32, as the case may be.
4. The removal of any object or structure within the land as a result of the exercise of the right of entry and occupation of the land under	(*a*) The cost of reinstating the object or structure or of replacing the same with a similar object or structure.

FOURTH SCHEDULE — *continued*

First column	*Second column*
Item for which compensation may be claimed	*Basis on which compensation is to be assessed*
section 24A or 32, as the case may be.	(*b*) The loss sustained by the removal of the object or structure which was erected and maintained without contravention of any written law and is not to be reinstated or replaced with a similar object or structure at the expense of the Board, being an amount which might fairly and reasonably be estimated as the cost of reinstating or replacing the object or structure.

[12/2015]

LEGISLATIVE HISTORY

PUBLIC UTILITIES ACT 2001

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 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

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	:	1 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 1 February 2013

11. Act 12 of 2015 — Land Acquisition (Amendment) Act 2015

Date of First Reading	:	12 February 2015 (Bill No. 7/2015 published on 12 February 2015)
Date of Second and Third Readings	:	13 March 2015
Date of commencement	:	8 May 2015

12. Act 5 of 2018 — Public Sector (Governance) Act 2018

Date of First Reading	:	6 November 2017 (Bill No. 45/2017)
Date of Second and Third Readings	:	8 January 2018
Date of commencement	:	1 April 2018

13. Act 11 of 2018 — Public Utilities (Amendment) Act 2018

Date of First Reading	:	8 January 2018 (Bill No. 4/2018)
Date of Second and Third Readings	:	6 February 2018
Date of commencement	:	1 April 2018 25 March 2019 30 April 2020

14. Act 13 of 2020 — Public Utilities (Amendment) Act 2020

Date of First Reading	:	18 February 2020 (Bill No. 11/2020 published on 18 February 2020)
Date of Second and Third Readings	:	6 March 2020
Date of commencement	:	1 April 2020 30 April 2020 30 July 2020 2 January 2021

15. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018

Date of First Reading	:	10 September 2018 (Bill No. 32/2018)
Date of Second and Third Readings	:	1 October 2018
Date of commencement	:	30 July 2020

16. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019

Date of First Reading	:	7 October 2019 (Bill No. 32/2019)
Date of Second and Third Readings	:	5 November 2019
Date of commencement	:	2 January 2021

17. Act 4 of 2021 — Statute Law Reform Act 2021

Date of First Reading	:	3 November 2020 (Bill No. 45/2020 published on 3 November 2020)
Date of Second and Third Readings	:	5 January 2021
Date of commencement	:	1 March 2021

18. 2020 Revised Edition — Public Utilities Act 2001

Operation	:	31 December 2021

19. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021

Date of First Reading	:	26 July 2021 (Bill No. 18/2021)
Date of Second and Third Readings	:	14 September 2021
Date of commencement	:	1 April 2022

20. Act 31 of 2022 — Statutes (Miscellaneous Amendments) Act 2022

Date of First Reading	:	12 September 2022 (Bill No. 24/2022)
Date of Second and Third Readings	:	3 October 2022
Date of commencement	:	1 November 2022 (section 17)

21. Act 36 of 2018 — Transport Safety Investigations Act 2018
(Amendments made by the above Act)

Date of First Reading	:	10 July 2018 (Bill No. 28/2018 published on 10 July 2018)
Second and Third Readings	:	6 August 2018
Date of Commencement	:	1 January 2024

22. Act 27 of 2023 — Public Utilities (Amendment) Act 2023

Date of First Reading	:	3 July 2023 (Bill No. 23/2023)
Date of Second and Third Readings	:	3 August 2023
Date of commencement	:	1 January 2024

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE
PUBLIC UTILITIES ACT 2001

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2002 Ed.
—	**15**—(1) [*Deleted by Act 5 of 2018*]
—	(2) [*Deleted by Act 5 of 2018*]
—	(3) [*Deleted by Act 5 of 2018*]
15	(4)
20—(2)	**20**—(1A)
(3)	(1B)
(4)	(1C)
(5)	(2)
(6)	(3)
(7)	(4)
—	(5) [*Deleted by Act 11 of 2018*]
(8)	(6)
(9)	(7)
(10)	(7A)
(11)	(8)
(12)	(9)
(13)	(10)
—	**24A**—(2) [*Deleted by Act 12 of 2015*]
24A—(2)	(3)
(3)	(4)
(4)	(4A)
—	(5) [*Deleted by Act 12 of 2015*]
—	(6) [*Deleted by Act 12 of 2015*]
—	(7) [*Deleted by Act 12 of 2015*]

2020 Ed.	2002 Ed.
—	(8) [*Deleted by Act 12 of 2015*]
(5)	(9)
(6)	(10)
(7)	(11)
41—(9)	**41**—(8A)
(10)	(8B)
(11)	(9)
(12)	(9A)
(13)	(10)
—	**44A**—(5) [*Deleted by Act 13 of 2020*]
50—(3)	**50**—(2A)
(4)	(3)
(5)	(3A)
(6)	(4)
70—(2) and (3)	**70**—(2)
—	**73**—(10) [*Deleted by Act 4 of 2021*]
[*Omitted as spent*]	**74**