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The following Act was passed by Parliament on 6 March 2020 and assented to by the President on 23 March 2020:—

REPUBLIC OF SINGAPORE

No. 13 of 2020.

I assent.

HALIMAH YACOB,
President.
23 March 2020.

(LS)

An Act to amend the Public Utilities Act (Chapter 261 of the 2002 Revised Edition).

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

Short title and commencement

1. This Act is the Public Utilities (Amendment) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2 of the Public Utilities Act (called in this Act the principal Act) is amended —

(a) by inserting, immediately before the definition of “apparatus”, the following definition:

““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;”;

(b) by inserting, immediately after the definition of “Chief Executive”, the following definitions:

““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;”;

(c) by inserting, immediately after the definition of “drain-line”, the following definition:

““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;”;

(d) by deleting the definition of “meter” and substituting the following definition:

““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;” and

(e) by inserting, immediately after the definition of “street”, the following definition:

““telecommunications” has the meaning given by section 2 of the Telecommunications Act (Cap. 323);”.

Amendment of section 6

3. Section 6 of the principal Act is amended —

(a) by inserting, immediately after paragraph (e) of subsection (1), the following paragraphs:

“(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;”;

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- (b) by inserting, immediately after sub-paragraph (iv) of subsection (1)(f), the following sub-paragraph:
- “(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;”;
- (c) by inserting, immediately after paragraph (f) of subsection (1), the following paragraph:
- “(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;”;
- (d) by inserting, immediately after the words “sewerage and land drainage systems” in subsection (1)(g), the words “and coastal protection systems”;
- (e) by deleting the words “and drainage” in subsection (1)(i)(ii) and substituting the words “, drainage and coastal management”;
- (f) by inserting, immediately after the word “drainage,” in subsection (1)(j), the words “coastal management,”;
- (g) by inserting, immediately after the words “may assign to the Board” in subsection (2), the words “, by notification in the *Gazette*,”; and
- (h) by inserting, immediately after the words “before any court” in subsection (3), the words “to which the Board would not otherwise be subject”.

New sections 18 and 18A

4. The principal Act is amended by inserting, immediately after section 17, the following sections:

“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.

(2) Upon the commencement of section 4 of the Public Utilities (Amendment) Act 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.

(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 such investments.

(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.

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 storm water drainage systems, drains and drainage reserves within the meaning of the Sewerage and Drainage Act (Cap. 294);

- (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 storm water drainage systems, drains and drainage reserves within the meaning of the Sewerage and Drainage Act, the construction, improvement or extension, or demolition and replacement, of which was completed before, on or after the date of commencement of section 4 of the Public Utilities (Amendment) Act 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 (Cap. 152);
 - (ii) the compensation payable for the acquisition of any land under the Land Acquisition Act;
- (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;

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- (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.

(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.

(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.”.

Amendment of section 24A

5. Section 24A(1) of the principal Act is amended —

(a) by inserting, immediately after paragraph (a), the following paragraph:

“(aa) to lay or install under, over, in, on or through the premises such meters as the Board considers necessary to measure, ascertain or regulate the supply of water to those or other premises;”;

(b) by inserting, immediately after the words “paragraph (a)” in paragraph (b)(i), the words “or any meter mentioned in paragraph (aa)”;

- (c) by inserting, immediately after the words “paragraph (a)” in paragraph (c), “, (aa)”.

Amendment of section 31

6. Section 31(1) of the principal Act is amended —

- (a) by deleting the words “for the supply” in paragraph (a) and substituting the words “for, or in respect of, the supply”; and
- (b) by inserting, immediately after the word “fitting,” in paragraph (c), the word “meter.”

Amendment of section 33

7. Section 33 of the principal Act is amended by deleting the words “or connecting pipe” wherever they appear in subsections (1) and (2)(b)(ii) and in the section heading and substituting in each case the words “, connecting pipe or meter”.

New Part IVA

8.—(1) The principal Act is amended by inserting, immediately after section 44, the following Part:

“PART IVA

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;

“appointed day” means the date of commencement of section 8(1) of the Public Utilities (Amendment) Act 2020;

- “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 (Cap. 31A);
- “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 (Cap. 50);
- “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;
- “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;

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- (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 (Cap. 163A);

“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 High Court or by creditors;

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

(d) any judicial manager of the corporation appointed by the High Court under Part VIIIA of the Companies Act;

“Official Receiver” means the Official Assignee as defined in section 2(1) of the Bankruptcy Act (Cap. 20);

“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;

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

“unit” has the meaning given by section 2 of the Business Trusts Act;

“unitholder” means a person who holds units in a business trust;

“unregistered company” has the meaning given by section 350 of the Companies Act;

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

(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.

(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.

(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.

- (5) A reference in this Part —
- (a) to the High Court is, on or after the date of commencement of the Supreme Court of Judicature (Amendment) Act 2019 (Act 40 of 2019), a reference to the General Division of the High Court;
 - (b) to any judicial manager appointed by the High Court under Part VIIIA of the Companies Act includes, on or after the date of commencement of section 451 of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018) (called in this subsection the IRD Act), a judicial manager (as defined in section 88(1) of the IRD Act) appointed by the Court under the IRD Act;
 - (c) to the Official Assignee as defined in section 2(1) of the Bankruptcy Act is, on or after the date on which the Bankruptcy Act is repealed by notification made under section 450 of the IRD Act, a reference to the Official Receiver as defined in section 2(1) of the IRD Act;
 - (d) to a judicial management order made under the Companies Act includes, on or after the date of commencement of section 451 of the IRD Act, a judicial management order made under Part 7 of the IRD Act;
 - (e) to section 211I of the Companies Act is, on or after the date of commencement of section 451 of the IRD Act, a reference to section 71 of the IRD Act;
 - (f) to Part VIIIA of the Companies Act is, on or after the date of commencement of section 451 of the IRD Act, a reference to Part 7 of the IRD Act;
 - (g) to any proceedings under the Companies Act relating to winding up includes a reference to any proceedings under the IRD Act relating to winding up; and
 - (h) to sections 254(2), 350 and 351(2) of the Companies Act is, on or after the date of commencement of

section 451 of the IRD Act, a reference to sections 125(2), 245 and 246(2), respectively, of the IRD Act.

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.

(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.

(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.

(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.

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

(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.

(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.

(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.

(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.

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 not less than 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 not less than 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;

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- (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.
- (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*.

(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.

(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*.

(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.

(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.

(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.

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

(9) In this section —

“Depository” has the meaning given by section 81SF of the Securities and Futures Act (Cap. 289);

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

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.

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

Notice to Board by 5% controller

44E.—(1) If a person becomes, on or after the appointed day, 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 notice in writing to the Board of that fact.

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

(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.

(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.

(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).

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 the appointed day, a 12% controller or 30% controller of a designated entity, designated business trust or designated trust.

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

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

(4) A person must not acquire, on or after the appointed day, 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.

(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.

(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.

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

(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.

(9) Any person who is aggrieved by the refusal of the Board 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.

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

(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.

(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) 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.

(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.

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

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- (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 such approval.

(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 such period as may be 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 such conditions as the Board considers appropriate;
- (d) make such other direction as the Board considers appropriate.

(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 such period as may be 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 such other direction as the Board considers appropriate.

(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 such conditions as the Board considers appropriate;
- (b) make such other direction as the Board considers appropriate.

(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 to 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).

(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.

(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.

(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), takes effect from the date specified by the Board, unless the Minister otherwise directs.

(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.

Effect of remedial directions, etc.

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

- (a) the Business Trusts Act, the Companies Act and the Limited Liability Partnerships Act;
- (b) anything in any listing rules as defined in section 2(1) of the Securities and Futures Act; 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.

(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.
- (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.

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

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- 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 or 211I of the Companies Act in relation to a designated entity that is a corporation, unless that person has served 14 days' notice in writing of his intention to make that application on the Board;
- (f) no judicial management order under Part VIIIA of the Companies Act may be made in relation to a designated entity that is a corporation without the consent of the Board;
- (g) 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 his intention to take that step on the Board; and
- (h) a person must not take any step to execute or 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 his intention to take that step on the Board.

- (2) The Board must be a party to —
- (a) any proceedings relating to the making of an order under section 210 or 211I of the Companies Act in relation to a designated entity that is a corporation;
 - (b) any proceedings relating to the making of a judicial management order under the Companies Act in relation to a designated entity that is a corporation;
 - (c) any proceedings under the Companies Act 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 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.
- (3) A court must, when deciding any proceedings mentioned in subsection (2), take into consideration any representations made by the Board in those proceedings.

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.

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 an 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.

(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.

(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 VIIIA of the Companies Act.

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.

(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.

(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 or 211I of the Companies Act in relation to a designated entity that is a corporation;
- (b) any proceedings relating to the making of a judicial management order under the Companies Act in relation to a designated entity that is a corporation;
- (c) any proceedings under the Companies Act 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 relating to the winding up of the affairs of a designated entity that is a limited liability partnership; or
- (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.

(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.

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

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

(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 254(2) of the Companies Act;
- (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 351(2) of the Companies Act; 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.

(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.

(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.

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 his 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.

(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.

(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.

(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).

(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.

(6) In this section, “prescribed transferee” means —

(a) the Board; or

(b) a person nominated by the Board.”.

(2) Section 44I(1) of the principal Act, as inserted by subsection (1), is amended by inserting, immediately after paragraph (f), the following paragraph:

“(fa) 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;”.

(3) Section 44L(3) of the principal Act, as inserted by subsection (1), is amended by inserting, immediately after paragraph (b), the following paragraph:

“(ba) 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;”.

Amendment of section 45

9. Section 45(2) of the principal Act is amended by deleting the words “water storage cistern” and substituting the words “storage tank”.

New section 45A

10. The principal Act is amended by inserting, immediately after section 45, the following section:

“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.

(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 such 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.

(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.

(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.

(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.

(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.

(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.”.

Amendment of section 50

11. Section 50 of the principal Act is amended —

(a) by deleting the word “or” at the end of paragraph (b) of subsection (2), and by inserting immediately thereafter the following paragraph:

“(ba) without the consent of the Board, interferes with, interrupts or obstructs the operation of any meter supplied by the Board; or”;

(b) by inserting, immediately after subsection (2), the following subsection:

“(2A) Where a person is prosecuted for an offence under subsection (2)(ba) 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.”; and

(c) by inserting, immediately after subsection (3), the following subsection:

“(3A) Without limiting subsection (3), where a person is prosecuted for an offence under subsection (2)(c) 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.”.

Amendment of section 59

12. Section 59 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) The Board may, in its discretion —

- (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.”.

Amendment of section 72

13. Section 72(2) of the principal Act is amended by deleting the words “water meters” in paragraph (e) and substituting the word “meters”.

Amendment of Second Schedule

14. The Second Schedule to the principal Act is amended by inserting, immediately before paragraph 2, the following paragraph:

“1. To undertake building works and any activities connected with coastal management.”.

Amendment of Third Schedule

15. Paragraph 2(2) of the Third Schedule to the principal Act is amended by deleting the words “and drainage function” and substituting the words “, drainage function and coastal management function”.

Miscellaneous amendments

16. The principal Act, as amended by section 8(1), is further amended —

- (a) by deleting the words “High Court” in paragraphs (b), (c) and (d) of the definition of “officer” in section 44A(1) and substituting in each case the words “General Division of the High Court”;
- (b) by deleting the words “Part VIIIA of the Companies Act” in paragraph (d) of the definition of “officer” in section 44A(1) and substituting the words “Part 7 of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018)”;
- (c) by deleting the words “Official Assignee as defined in section 2(1) of the Bankruptcy Act (Cap. 20)” in the definition of “Official Receiver” in section 44A(1) and substituting the words “Official Receiver as defined in section 2(1) of the Insolvency, Restructuring and Dissolution Act 2018”;
- (d) by deleting the words “section 350 of the Companies Act” in the definition of “unregistered company” in section 44A(1) and substituting the words “section 245 of the Insolvency, Restructuring and Dissolution Act 2018”;
- (e) by deleting the words “or 211I of the Companies Act” in sections 44I(1)(e) and (2)(a) and 44L(3)(a) and substituting in each case the words “of the Companies Act or section 71 of the Insolvency, Restructuring and Dissolution Act 2018”;

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- (f) by deleting the words “Part VIIIA of the Companies Act” in sections 44I(1)(f) and 44K(3)(b) and substituting in each case the words “Part 7 of the Insolvency, Restructuring and Dissolution Act 2018”;
 - (g) by deleting the words “Companies Act” in sections 44I(2)(b) and (c) and 44L(3)(b) and (c) and substituting in each case the words “Insolvency, Restructuring and Dissolution Act 2018”;
 - (h) by deleting the words “section 254(2) of the Companies Act” in section 44L(7)(a) and substituting the words “section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018”;
 - (i) by deleting the words “section 351(2) of the Companies Act” in section 44L(7)(b) and substituting the words “section 246(2) of the Insolvency, Restructuring and Dissolution Act 2018”; and
 - (j) by deleting subsection (5) of section 44A.
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