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PUBLIC UTILITIES ACT (CHAPTER 261)

PUBLIC UTILITIES (WATER SUPPLY) (AMENDMENT) REGULATIONS 2019

In exercise of the powers conferred by section 72 of the Public Utilities Act, the Public Utilities Board, with the approval of the Minister for the Environment and Water Resources, makes the following Regulations:

Citation and commencement

1. These Regulations are the Public Utilities (Water Supply) (Amendment) Regulations 2019 and come into operation on 1 March 2019.

Amendment of regulation 9

2. Regulation 9 of the Public Utilities (Water Supply) Regulations (Rg 5) (called in these Regulations the principal Regulations) is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) The Board may, by notice in writing, require any person who —

(a) installs or offers or advertises to install; or

(b) supplies or offers, displays or advertises for supply,

any water fitting for use in any water service installation to have the water fitting tested or examined by an accredited laboratory or such other testing laboratory as the Board may allow, and such person must deliver samples of the water fitting to the

accredited laboratory or testing laboratory within the time specified in the notice.”; and

- (b) by deleting the words “product certification body” in paragraph (2) and substituting the words “accredited laboratory”.

New Division heading of Part IVA

3. The principal Regulations are amended by inserting, immediately above regulation 40B, the following Division heading:

“Division 1 — General”.

Amendment of regulation 40B

4. Regulation 40B of the principal Regulations is amended —

- (a) by inserting, immediately before the definition of “business activity”, the following definition:

““appointed qualifying consumer”, in relation to qualifying consumers under regulation 40C(4), means an appointed qualifying consumer under regulation 40CA;”;

- (b) by deleting the word “qualifying” wherever it appears in the definition of “chief executive”;

- (c) by deleting the definition of “former qualifying consumer” and substituting the following definition:

““construction site” means any premises where the business activity of the consumer comprises wholly of construction, being any one or more of the following:

- (a) the erection, construction, alteration, repair or maintenance of buildings, structures or roads;

- (b) the breaking up, opening or boring under any road or adjacent land in connection with the construction,

inspection, maintenance or removal of works;

(c) piling, demolition or dredging works;

(d) any other work of engineering construction;”;

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

““qualifying consumer” means —

(a) in relation to any year before the year 2019, a consumer that satisfied the requirements specified in regulation 40C(1) as in force immediately before 1 March 2019; and

(b) in relation to the year 2019 or any subsequent year, a qualifying consumer under regulation 40C;”;

(e) by deleting the definition of “regulatory period”;

(f) by deleting the definition of “representative” and substituting the following definition:

““specified consumer” means a specified consumer under regulation 40BA;”;

(g) by inserting, immediately after the definition of “water balance chart”, the following definition:

““water efficiency manager”, in relation to a qualifying consumer, means a person appointed by the qualifying consumer as its water efficiency manager under regulation 40GA;”;

(h) by deleting the definition of “water use threshold” and substituting the following definition:

““water use threshold” means 60,000 cubic metres.”.

New regulations 40BA and 40BB

5. The principal Regulations are amended by inserting, immediately after regulation 40B, the following Division heading and regulations:

“Division 2 — Specified consumers

Specified consumer

40BA.—(1) A consumer is, for any year (T), a specified consumer in accordance with this regulation.

(2) A consumer is, for year T, a specified consumer for a site if —

- (a) at any time in year T – 1, the consumer held one or more water accounts with the Board for water supplied by the Board to the site;
- (b) the water was used in connection with any business activity carried out at the site (whether or not by the consumer); and
- (c) in year T – 1, the volume in aggregate of water supplied at the site under the water account or water accounts attained the water use threshold (or higher).

(3) A consumer is, for year T, a specified consumer for 2 or more sites if —

- (a) at any time in year T – 1, the consumer held 2 or more water accounts with the Board for water supplied by the Board to those sites;
- (b) the water was used in connection with the same type of business activity carried out at the sites by the consumer (whether or not the consumer carried on any other type of business activity at any of those sites); and
- (c) in year T – 1, the volume in aggregate of water supplied at the sites under the water accounts attained the water use threshold (or higher).

(4) Each of 2 or more consumers is, for year T, a specified consumer for a site if —

- (a) at any time in year T – 1, the consumers each held one or more water accounts with the Board for water supplied by the Board to the site;
- (b) the water was used in connection with the same type of business activity carried out at the site by each of the consumers (whether or not any of the consumers carried on any other type of business activity at the site);
- (c) in year T – 1, the volume in aggregate of water supplied at the site under the water accounts to the consumers attains the water use threshold (or higher); and
- (d) the Board notifies the consumers in writing that sub-paragraphs (a), (b) and (c) apply to them for year T – 1.

(5) Where (but for this paragraph) paragraph (2), and paragraph (3) or (4), apply to a consumer, then the consumer is a specified consumer only under paragraph (3) or (4), as the case may be.

Submission of information and documents by specified consumer

40BB.—(1) Where regulation 40BA(2) or (3) applies, the specified consumer mentioned in those paragraphs must submit to the Board, in accordance with paragraph (6), the information and documents mentioned in that paragraph for the site or sites (as the case may be), if —

- (a) the consumer was not, for year T – 1, a qualifying consumer for the site or sites; or
- (b) the consumer supplied water in year T – 1 to another person at the site or at any of the sites.

(2) Paragraph (1) does not apply if, before 1 April of year T, the consumer ceases the business activity at the site or all the sites in respect of which the consumer is a specified consumer.

(3) Where regulation 40BA(4) applies, all the specified consumers mentioned in that paragraph must appoint, for year T, one from among them as the appointed specified consumer to submit to the Board on their behalf the information and documents required of them under paragraph (4).

(4) The specified consumers mentioned in regulation 40BA(4) must each submit to the Board, through the appointed specified consumer and in accordance with paragraph (6), the information and documents mentioned in that paragraph for the site, if —

- (a) any one of the consumers was not a qualifying consumer in year T – 1; or
- (b) any one of the consumers supplied water in the year T – 1 to another person at the site.

(5) Paragraph (4) does not apply if, before 1 April of year T, all the consumers cease the business activity at the site in respect of which the consumers are specified consumers for year T.

(6) The information and documents mentioned in paragraph (1) or (4) must —

- (a) be submitted to the Board —
 - (i) before 1 April of year T (or such later date as the Board may allow in any particular case);
 - (ii) through the Board's website at <https://www.pub.gov.sg>; and
 - (iii) in the form specified by the Board; and
- (b) comprise the following:
 - (i) the bills and other records (if any) showing the volume of each type of water supplied to the specified consumer at the site or sites in question for year T – 1 (whether or not the water was supplied by the Board);

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- (ii) if applicable, for water supplied by the specified consumer to another person at the site or sites in question —
 - (A) the particulars of the other person; and
 - (B) the volume of each type of water supplied to the other person;
 - (iii) such other information or documents required by the Board relating to the water used at the site or sites in question;
 - (iv) such particulars (including contact details and a business profile) relating to the specified consumer and site or sites in question, as may be specified in the form;
 - (v) a signed statement from the chief executive of the specified consumer in question, that the information and documents submitted are accurate and complete.

(7) A consumer that, without reasonable excuse, contravenes paragraph (1), (3) or (4) shall be guilty of an offence.”.

Deletion and substitution of regulations 40C and 40D

6. Regulations 40C and 40D of the principal Regulations are deleted and the following Division heading and regulations substituted therefor:

“Division 3 — Qualifying consumers

Qualifying consumer

40C.—(1) A consumer is, for any year (T), a qualifying consumer in accordance with this regulation.

(2) A consumer is, for year T, a qualifying consumer for a site if —

- (a) at any time in year T – 1, T – 2 or T – 3, the consumer used water (whether or not supplied by the Board) in

carrying out any of the consumer's business activities at the site; and

- (b) in any one of the years mentioned in sub-paragraph (a), the volume of water used at the site attained the water use threshold (or higher),

unless, at any time in year $T - 1$, the consumer ceased all the business activities at the site in connection with which the water was used.

(3) A consumer is, for year T , a qualifying consumer for 2 or more sites if —

- (a) at any time in year $T - 1$, $T - 2$ or $T - 3$, the consumer used water (whether or not supplied by the Board) in carrying out the same type of business activity at those sites (whether or not the consumer carried on any other type of business activity at any of those sites); and

- (b) in any one of those years mentioned in sub-paragraph (a), the volume in aggregate of water used by the consumer for that type of business activity at those sites attained the water use threshold (or higher),

unless, at any time in year $T - 1$, the consumer ceased that type of business activity at all those sites.

(4) Each of 2 or more consumers is, for year T , a qualifying consumer for a site if —

- (a) at any time in year $T - 1$, $T - 2$ or $T - 3$, the consumers used water (whether or not supplied by the Board) in carrying out the same type of business activity at the site (whether or not any of the consumers carried on any other type of business activity at the site);

- (b) in any one of the years mentioned in sub-paragraph (a), the volume in aggregate of the water used by the consumers for that type of business

activity at the site attained the water use threshold (or higher); and

- (c) the Board notifies the consumers in writing that sub-paragraphs (a) and (b) apply to them.

(5) Where (but for this paragraph) paragraph (2), and paragraph (3) or (4), apply to a consumer, then the consumer is a qualifying consumer only under paragraph (3) or (4), as the case may be.

Appointed qualifying consumer

40CA.—(1) Where 2 or more consumers are, for any year (T) —

- (a) qualifying consumers for a site under regulation 40C(4); and
- (b) not specified consumers under regulation 40BA(4) for the site,

all the qualifying consumers mentioned in regulation 40C(4) must appoint, for year T, one from among them as the appointed qualifying consumer to submit to the Board on their behalf the information and documents required of them under regulations 40D(3) and 40H(2)(a) and the water efficiency plan mentioned in regulation 40H(2)(c).

(2) Where 2 or more consumers are, for any year (T) —

- (a) qualifying consumers for a site under regulation 40C(4); and
- (b) specified consumers under regulation 40BA(4) for the site,

then, the appointed specified consumer for those consumers under regulation 40BB(3) is, for year T, the appointed qualifying consumer for the purposes of this Part.

(3) A consumer that, without reasonable excuse, contravenes paragraph (1) shall be guilty of an offence.

Submission of information and documents by qualifying consumer

40D.—(1) Where regulation 40C(2) or (3) (as the case may be) applies, the consumer must submit to the Board, in accordance with paragraph (5), the information and documents mentioned in that paragraph for the site or sites if the consumer —

(a) is not required, under regulation 40BB(1) or (2), to submit information or documents for the site or sites in year T; and

(b) was not a qualifying consumer for year $T - 1$.

(2) Paragraph (1) does not apply if, before 1 May of year T, the consumer ceases the business activity at the site or all the sites in respect of which the consumer is a qualifying consumer.

(3) Where regulation 40C(4) applies, the consumers must each submit to the Board, through the appointed qualifying consumer and in accordance with paragraph (5), the information and documents mentioned in that paragraph for the site, if —

(a) the consumers are not required, under regulation 40BB(4), to submit information or documents for the site in year T; and

(b) any one of the consumers was not a qualifying consumer for the site in year $T - 1$.

(4) Paragraph (3) does not apply if, before 1 May of year T, all the consumers cease the business activity at the site in respect of which the consumers are qualifying consumers for year T.

(5) The information and documents mentioned in paragraph (1) or (3) must —

(a) be submitted to the Board —

(i) before 1 May of year T (or such later date as the Board may allow in any particular case);

(ii) through the Board's website at <https://www.pub.gov.sg>; and

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- (iii) in the form specified by the Board; and
- (b) comprise the following:
- (i) the bills and other records (if any) showing the volume of each type of water supplied to the qualifying consumer at the site or sites in question for year T – 1 (whether or not the water was supplied by the Board);
 - (ii) such other information or documents required by the Board relating to the water used at the site or sites in question;
 - (iii) such particulars (including contact details and a business profile) relating to the qualifying consumer and site or sites in question, as may be specified in the form;
 - (iv) a signed statement from the chief executive of the qualifying consumer in question, that the information and documents submitted are accurate and complete.

(6) A consumer that, without reasonable excuse, contravenes paragraph (1) or (3) shall be guilty of an offence.”.

Amendment of regulation 40E

7. Regulation 40E of the principal Regulations is amended —

(a) by deleting paragraphs (1) and (2) and substituting the following paragraph:

“(1) A consumer who is a qualifying consumer under regulation 40C(2) or (3) for any year and is not or will not be such a qualifying consumer for the next year (called in this regulation the year of cessation) must notify the Board of that fact in accordance with paragraphs (3) and (4).”;

(b) by deleting the words “paragraph (2)” in paragraphs (3), (5) and (6) and substituting in each case the words “paragraph (1)”; and

(c) by deleting sub-paragraphs (b) and (c) of paragraph (3) and substituting the following sub-paragraphs:

“(b) be accompanied by the information and documents specified in the form mentioned in sub-paragraph (a)(i) or as may be required by the Board and —

(i) bills and other records (if any) showing the volume of each type of water supplied for the 3 consecutive years preceding the year of cessation; or

(ii) if the consumer is not or will not be a qualifying consumer in the year of cessation due to the consumer having ceased (in the preceding year) the business activities at the site or sites in connection with which water was used, documentary evidence that the consumer so ceased the business activity; and

(c) be made —

(i) before 1 April of the year of cessation; or

(ii) if sub-paragraph (b)(ii) applies, within 3 months after the consumer ceases the business activities.”.

Deletion of regulation 40F

8. Regulation 40F of the principal Regulations is deleted.

New regulation 40GA

9. The principal Regulations are amended by inserting, immediately after regulation 40G, the following regulation:

“Appointment of water efficiency manager

40GA.—(1) A qualifying consumer must appoint at least one water efficiency manager to assist the qualifying consumer with the following functions:

- (a) to prepare the information and documents and water efficiency plan for submission under regulation 40H;
- (b) to maintain the records required under regulation 40J;
- (c) generally to comply with the provisions of this Part.

(2) A water efficiency manager need not be an employee of the qualifying consumer.

(3) The qualifying consumer must not appoint any person as the qualifying consumer’s water efficiency manager unless the person has obtained a Certificate of Proficiency issued by the Board for the Water Efficiency Manager course.

(4) The qualifying consumer must, before 1 July of the year for which the qualifying consumer is a qualifying consumer (or such later date as the Board may allow in any particular case) —

- (a) appoint a water efficiency manager; and
- (b) notify the Board of the appointment through the Board’s website at <https://www.pub.gov.sg>.

(5) If any person ceases for any reason to be a water efficiency manager of a qualifying consumer and the person was, immediately before the cessation, the qualifying consumer’s only water efficiency manager, the qualifying consumer must —

- (a) within 30 days after the cessation, notify the Board of that fact through the Board’s website at <https://www.pub.gov.sg>; and
- (b) within 90 days after the cessation (or such later date as the Board may allow in any particular case) —
 - (i) appoint under paragraph (1) another water efficiency manager in substitution of the firstmentioned water efficiency manager; and

(ii) notify the Board of that substitute appointment through the Board's website at <https://www.pub.gov.sg>.

(6) The Board may, at any time, require a qualifying consumer to submit documentary proof that a water efficiency manager of the qualifying consumer fulfils the requirements mentioned in paragraph (3).

(7) A consumer that, without reasonable excuse, contravenes this regulation shall be guilty of an offence.”.

Deletion and substitution of regulation 40H

10. Regulation 40H of the principal Regulations is deleted and the following regulation substituted therefor:

“Submission of water efficiency plan, etc.

40H.—(1) Where regulation 40C(2) or (3) (as the case may be) applies, the qualifying consumer must —

- (a) submit, in accordance with paragraph (3), the information and documents mentioned in that paragraph; and
- (b) prepare and submit, in accordance with paragraph (4), a water efficiency plan for the site or sites,

unless, before 1 July of year T, the qualifying consumer ceases the business activity at all the sites in respect of which the consumer is a qualifying consumer for year T.

(2) Where regulation 40C(4) applies, the consumers —

- (a) must submit, through the appointed qualifying consumer and in accordance with paragraph (3), the information and documents mentioned in that paragraph;
- (b) must jointly prepare, in accordance with paragraph (4), one water efficiency plan for the site; and

(c) must submit, through the appointed qualifying consumer and in accordance with paragraph (4), the water efficiency plan,

unless, before 1 July of year T, all the qualifying consumers for the site cease the business activity at the site in respect of which the consumers are qualifying consumers for year T.

(3) The information and documents mentioned in paragraph (1)(a) or (2)(a) must —

(a) be submitted to the Board —

(i) together with the water efficiency plan;

(ii) before 1 July of year T (or such later date as the Board may allow in writing in any particular case);

(iii) through the Board's website at <https://www.pub.gov.sg>; and

(iv) in the form specified by the Board; and

(b) comprise the following relating to year T – 1, in respect of each business activity carried out by the qualifying consumer at the site:

(i) the number of days in that year during which the business activity was carried out;

(ii) the plant recycling rate and process recycling rate, if applicable;

(iii) the total amount of each type of water supplied by the Board that is used in the business activity;

(iv) the total amount of each type of water not supplied by the Board that is used in the business activity;

(v) the amount of each type of water (whether or not supplied by the Board) used at each water usage area, including the amount recorded by any private meter;

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- (vi) for each reused or recycled stream, the type and amount of that stream, the type of treatment used for recycling, and the water usage area that uses that stream;
 - (vii) every business activity indicator;
 - (viii) any information regarding the water efficiency of any cooling system used at the site or sites;
 - (ix) a water balance chart;
 - (x) such other information or documents required by the Board relating to the water used at the site or sites in question;
 - (xi) a signed statement from the chief executive and the water efficiency manager of the qualifying consumer in question, that the information and documents submitted are accurate and complete.
- (4) The water efficiency plan must —
- (a) be submitted to the Board —
 - (i) by a water efficiency manager of the qualifying consumer or appointed qualifying consumer, as the case may be;
 - (ii) before 1 July of year T (or such later date as the Board may allow in writing in any particular case);
 - (iii) through the Board's website at <https://www.pub.gov.sg>; and
 - (iv) in the form specified by the Board;
 - (b) describe the following:
 - (i) the water conservation measures used or intended to be used at the site or sites;
 - (ii) the date for the implementation or intended date of implementation of each of those measures;

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- (iii) the estimated cost of implementing each of those measures;
 - (iv) the implementation status of those measures;
 - (v) the projected annual water savings for each type of water used at the site or sites; and
- (c) be endorsed by —
- (i) for a water efficiency plan under paragraph (1) — the chief executive and water efficiency manager of the qualifying consumer; and
 - (ii) for a water efficiency plan under paragraph (2) — the chief executive and water efficiency manager of the appointed qualifying consumer.

(5) A qualifying consumer that, without reasonable excuse, contravenes paragraph (1) or (2) shall be guilty of an offence.”.

Amendment of regulation 40I

11. Regulation 40I of the principal Regulations is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) Where a consumer submits —

- (a) information or documents that do not conform to the requirements under regulation 40BB(6)(b), 40D(5)(b), 40E(3)(b) or 40H(3)(b), as the case may be; or
- (b) a water efficiency plan that does not conform to the requirements under regulation 40H(4),

the Board may, by notice in writing, direct the consumer to carry out such rectifications or re-computations, and to resubmit the information or

documents, or water efficiency plan (as the case may be) to the Board, within such time and in such manner as the Board may specify in the notice.”;

- (b) by deleting the word “qualifying” in paragraph (2); and
- (c) by deleting the words “water efficiency management plan” in the regulation heading and substituting the words “submissions under this Part”.

New regulation 40IA

12. The principal Regulations are amended by inserting, immediately after regulation 40I, the following regulation:

“Records to be kept by specified consumer

40IA.—(1) A specified consumer for a site or sites must keep and maintain complete and accurate records of the following information:

- (a) the total amount of each type of water supplied by the Board that is used by the specified consumer at the site;
 - (b) the total amount of each type of water not supplied by the Board that is used by the specified consumer at the site or sites;
 - (c) if applicable, for water supplied by the specified consumer to another person at the site or sites in question —
 - (i) the particulars of the other person; and
 - (ii) the volume of each type of water supplied to the other person.
- (2) A specified consumer must —
- (a) retain each record mentioned in paragraph (1) for at least 5 years after the date of creation or receipt of that record; and
 - (b) during that period, make that record available for inspection by the Board or an authorised officer, or

furnish that record to the Board, whenever required by the Board to do so.

(3) The records mentioned in paragraph (1) may be kept and maintained in electronic form.

(4) A specified consumer that contravenes paragraph (1) or (2) shall be guilty of an offence.”.

Amendment of regulation 40J

13. Regulation 40J(2) of the principal Regulations is amended by deleting the words “a water efficiency management plan in accordance with” in sub-paragraph (f) and substituting the words “the submissions required under”.

Amendment of regulation 40K

14. Regulation 40K of the principal Regulations is amended —

(a) by deleting the words “for any business activity” in paragraph (1)(b) and substituting the words “at a site”;

(b) by deleting paragraph (2) and substituting the following paragraphs:

“(2) If paragraph (1)(a) applies, a relevant consumer must, for such time the relevant consumer is a qualifying consumer, ensure that one or more private meters are installed to measure and monitor the amount of water use at each water usage area specified in the second column of the Fourth Schedule within each site for which the relevant consumer is a qualifying consumer.

(2A) For the purposes of paragraph (2), the private meter or meters must be installed before 1 July of the year for which the consumer is a qualifying consumer (or such later date as the Board may allow in writing in any particular case).”; and

(c) by deleting the words “of any business activity to be carried out by the consumer which” in paragraph (4) and substituting the words “the supply of water to which”.

New regulation 40L

15. The principal Regulations are amended by inserting, immediately after regulation 40K, the following regulation:

“Exceptions

40L.—(1) This Part does not apply in relation to a vessel.

(2) Regulations 40BA and 40C do not apply in relation to construction sites.

(3) Regulations 40BA and 40C do not apply in relation to a consumer who proves to the satisfaction of the Board that the consumer attained the water use threshold at a site or sites only by reason of any of the following events:

(a) a water leakage at the site;

(b) water usage due to an activity that does not occur on a regular basis.

(4) Regulation 40K does not apply in relation to a water usage area at a site if the consumer that is supplied with water at the water usage area proves to the satisfaction of the Board that it is not reasonably practicable to install a private meter.”.

Transitional provisions

16.—(1) A consumer who is a qualifying consumer for the whole of 2018 under the principal Regulations as in force immediately before 1 March 2019, must submit the information and documents mentioned in regulation 40BB(6)(b) of the principal Regulations as in force on 1 March 2019, whether or not the consumer is required to do so under regulation 40BB(1) or (2) of the principal Regulations as in force on 1 March 2019.

(2) Regulation 40E(1) of the principal Regulations as in force on 1 March 2019 does not apply in relation to a consumer who was a qualifying consumer in 2018 (under the principal Regulations as in force immediately before 1 March 2019) but is not a qualifying

consumer in 2019 (under the principal Regulations as in force on 1 March 2019).

*[G.N. Nos. S 97/2005; S 703/2008; S 832/2010;
S 161/2011; S 616/2013; S 721/2014; S 826/2014;
S 55/2015; S 133/2017; S 336/2017; S 164/2018;
S 535/2018]*

Made on 11 February 2019.

CHIANG CHIE FOO
*Chairman,
Public Utilities Board,
Singapore.*

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