



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

ACTS SUPPLEMENT

Published by Authority

NO. 14]

FRIDAY, MARCH 30

[2001

First published in the *Government Gazette*, Electronic Edition, on 30th March 2001 at 5:00 pm.

The following Act was passed by Parliament on 16th March 2001 and assented to by the President on 26th March 2001:—

THE ELECTRICITY ACT 2001

(No. 10 of 2001)

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REPUBLIC OF SINGAPORE

No. 10 of 2001.

I assent.



S R NATHAN,
President.
26th March 2001.

An Act to create a competitive market framework for the electricity industry, to make provision for the safety, technical and economic regulation of the generation, transmission, supply and use of electricity, and for other matters connected therewith, to repeal the Electrical Workers and Contractors Licensing Act (Chapter 89 of the 1985 Edition), and to make consequential amendments to certain written laws.

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

PART I

PRELIMINARY

Short title and commencement

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

Interpretation

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

“ancillary service” means a service required or provided for the security or reliability of the electricity system;

“apparatus” means any electrical apparatus, equipment or accessory and includes all apparatuses, machines, consuming devices and fittings in which one or more conductors are used or of which they form a part;

“Appeal Panel” means a panel established by the Minister under section 64;

“appointed day” means —

(a) in relation to this Act, the date of commencement of this Act; and

(b) in relation to a particular provision of this Act, the date of commencement of that provision;

“authorised officer” means any person authorised by the Authority under section 3 (2);

“Authority” means the Energy Market Authority of Singapore established under the Energy Market Authority of Singapore Act 2001;

“cable detection work” means any work of detecting or locating any electricity cable;

“cable detection worker” means any person whose trade or occupation requires or includes the personal performance by him of cable detection work;

“cable detection work licence” means a licence granted under section 81;

“code of practice” means a code issued or approved by the Authority under section 16;

“conductor” means an electrical conductor arranged to be electrically connected to an electrical system;

“consumer” means a person —

- (a) to whom electricity is supplied and sold for consumption on that person’s own premises; or
- (b) whose premises are for the time being connected to any system for the purpose of purchasing a supply of electricity for consumption on that person’s own premises;

“contestable consumer” means a consumer who is, in accordance with this Act, eligible to purchase electricity —

- (a) from a retail electricity licensee;
- (b) directly from any wholesale electricity market; or
- (c) indirectly from any wholesale electricity market through a market support services licensee;

“document” includes electronic records;

“Earth” means the conductive mass of the Earth whose electric potential at any point is conventionally taken as zero;

“earthworks” means —

- (a) any act of excavating earth, rock or other material (by whatever means) in connection with —
 - (i) any work for or relating to the construction, reconstruction, extension, renovation, alteration, demolition or repair of any building, road, railway, bridge, viaduct, flyover, sewer or sewage works;
 - (ii) any work for or relating to the laying, inspecting, repairing or renewing of any main, pipe, cable, fitting or other apparatuses;
 - (iii) any soil investigation work; or
 - (iv) such other works as are usually undertaken by a person carrying on business as a contractor in the construction industry or as a professional civil or structural engineer;

- (b) any act of boring, dredging, jacking, levelling, piling or tunnelling on or under any premises or street by any mechanical means; or
- (c) the driving or sinking of any earth rod, casing or tube into the ground;

“electric line” means any line which is used for carrying electricity for any purpose and includes —

- (a) any support for the line, that is to say, any structure, pole or other thing in, on, by or from which the line is or may be supported, carried or suspended;
- (b) any apparatus connected to the line for the purposes of carrying electricity;
- (c) any wire, cable, tube, pipe or other similar thing (including its casing or coating) which surrounds or supports, or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, the line; and
- (d) any electricity cable;

“electrical installation” means any appliance, wire, fitting or other apparatus placed in, on, over or under any premises and used for or for purposes incidental to the conveyance, control or use of electricity supplied or intended to be supplied by an electricity licensee or any other person, and includes a supply installation and any addition, alteration, and repair to an electrical installation, but does not include —

- (a) any electric line, supply line or electrical plant of an electricity licensee;
- (b) any appliance, wire, fitting or apparatus connected to and beyond any electrical outlet which is installed for the purpose of connecting electrical appliances, fittings or apparatuses and at which fixed wiring terminates; and
- (c) any appliance, wire, fitting or apparatus which is placed in, on, over or under any premises owned or occupied by a transmission licensee which is not used for the consumption of electricity on the premises or solely for the purposes incidental to the conveyance or control of electricity so consumed;

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- “electrical plant” means any plant, equipment, apparatus or appliance used for, or for purposes connected with, the supply of electricity;
- “electrical or supply installation licence” means a licence granted under section 67;
- “electrical system” means an electrical system in which all the conductors and apparatuses are electrically or magnetically connected;
- “electrical work” means any work performed or carried out on any electrical installation and includes the installing, constructing, erecting or repairing thereof or the altering of the structure thereof or the replacing of any part thereof or the adding of any part thereto or the carrying out of any work thereon for the maintenance thereof, but does not include work in relation to —
- (a) the manufacturing of any electrical installation or the assembling thereof in the course of or in connection with its manufacture for the purpose of producing a new article; or
 - (b) the oiling, greasing, cleaning or painting of any electrical installation;
- “electrical worker” means any person whose trade or occupation requires or includes the personal performance by him of electrical work or a person who is otherwise competent or qualified personally to perform electrical work;
- “electrical worker licence” means a licence granted under section 82;
- “electricity” means electrical power when generated, transmitted, supplied or used for any purpose except the transmission of any communication or signal;
- “electricity cable” means a length of insulated single conductor or of 2 or more such conductors, whether or not the conductor or conductors are provided with an overall covering for mechanical protection, and all other apparatuses or devices connected thereto;
- “electricity licence” means a licence granted or extended by the Authority under section 9;

“electricity licensee” means any person who is granted an electricity licence;

“electricity system” means a system comprising the transmission system and generating stations connected directly or indirectly to the transmission system;

“electronic records” has the same meaning as in the Electronic Transactions Act (Cap. 88);

“export”, in relation to electricity, means the supply of electricity generated in Singapore to any person or premises outside Singapore;

“generate” means to produce electricity by means of a generating station for the purpose of giving a supply to any premises or enabling a supply to be so given;

“generating station” means any installation used for, or for purposes connected with, the production of electricity;

“generating unit” means any apparatus used for, or for purposes connected with, the production of electricity;

“generation licensee” means a person who is authorised by an electricity licence to generate electricity;

“high voltage” means a voltage exceeding 1000V a.c. or 1500V d.c. between conductors, or 600V a.c. or 900V d.c. between each conductor and Earth;

“import”, in relation to electricity, means the supply of electricity generated outside Singapore to any person or premises in Singapore;

“information” includes information contained in electronic records;

“installation” means, except for the purposes of Part IX, any plant, apparatus, structure, equipment or thing used for the generation, transmission, supply or use of electricity;

“licensed” —

- (a) in relation to a cable detection worker, means a person who holds a valid cable detection work licence permitting him to perform personally such cable detection work as is specified in his licence; or

(b) in relation to an electrical worker, means a person who holds a valid electrical worker licence permitting him to perform personally such electrical work as is specified in his licence;

“low voltage” means a voltage not exceeding 1000V a.c. or 1500V d.c. between conductors, or 600V a.c. or 900V d.c. between each conductor and Earth;

“main” means a supply line through which electricity is or can be supplied, whether the line is in use or not;

“market participant” means a person —

(a) authorised by an electricity licence; and

(b) registered in accordance with the market rules,

to trade in any wholesale electricity market and includes a transmission licensee and any department of the Government which generates electricity before the appointed day;

“market rules” means the rules made or modified under section 46;

“market support services” means any of the following activities in connection with the supply of electricity:

(a) the reading of the register of any electricity meter and the management of data relating to meter reading;

(b) the facilitation of access to any wholesale electricity market for the purposes of obtaining supply of electricity for contestable consumers and retail electricity licensees;

(c) the provision of customer transfer services for retail electricity licensees and consumers to facilitate the transfer of contestable consumers between one retail electricity licensee and another or between retail electricity licensees and market support services licensees;

(d) the provision of other services related to access to any wholesale electricity market and the retail electricity market; and

(e) the supply and sale of electricity to non-contestable consumers;

- “market support services licensee” means a person who is authorised by an electricity licence to provide market support services;
- “modification” includes any amendment, addition, alteration and variation;
- “non-contestable consumer” means a consumer who is not a contestable consumer;
- “occupier” means the person in occupation of any premises and includes the person having the charge, management or control of the premises either on his own account or as an agent of another person, but does not include a lodger;
- “premises” includes buildings, structures, streets, lands, waters, tenements, easements of any tenure, whether State land or not, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;
- “regulations” means the regulations made under this Act;
- “retail” means to sell or offer to sell electricity to a contestable consumer;
- “retail electricity licensee” means a person who is authorised by an electricity licence to retail electricity to a contestable consumer;
- “retail electricity market” means the market in which electricity is retailed to a contestable consumer;
- “shares”, in relation to a company, means shares in, or stocks forming part of, the capital of the company;
- “street” includes any road, highway, square, footway or passage, whether a thoroughfare or not, over which the public has a right of way, the way over any public bridge, and any road, footway or passage, open court or open alley, used or intended to be used as a means of access to 2 or more holdings, whether the public has a right of way thereover or not; and all channels, sewers, drains, tunnels, ditches and reserves at the side of any street shall be deemed to be part of the street;

“supply” means the supply of electricity through electric lines, and includes —

- (a) the supply of electricity generated outside Singapore to any person or premises in Singapore; and
- (b) the supply of electricity generated in Singapore to any person or premises outside Singapore;

“supply installation” means the whole of any plant or apparatus in an installation owned or managed by a person for the provision of electricity (other than electricity used for the transmission of any communication or signal) solely for his own use, including any machine supplying mechanical energy to a generator, with all necessary related plant, buildings and land, supply lines and consuming apparatuses, if any;

“supply line” means a conductor or other means of conveying, transmitting or distributing electricity, together with all or any part of any casing, coating, covering, tube, pipe, insulator or post enclosing, surrounding or supporting the conductor or any part thereof, or any related building or apparatus for the purpose of transforming, conveying, transmitting or distributing electricity;

“trade” means —

- (a) to sell electricity, ancillary services or any other electricity related product or service to a person other than a consumer who is being supplied and sold electricity by a retail electricity licensee or a market support services licensee; or
- (b) to purchase electricity, ancillary services or any other electricity related product or service, where such purchase is made by a person other than a consumer who is being supplied and sold electricity by a retail electricity licensee or a market support services licensee;

“transmission licensee” means a person authorised by an electricity licence to transmit electricity;

“transmission system” means the system of interconnected electric lines owned by a transmission licensee for the purpose of conveying electricity;

“transmit” means to convey electricity by means of a system which consists wholly or mainly of electric lines and electrical plants and is used for conveying electricity —

- (a) from an electrical plant to a substation;
- (b) from one electrical plant to another or from one substation to another; or
- (c) from a substation or electrical plant to the electrical installation serving the premises of a consumer or, where such premises are not served by an electrical installation, from a substation or electrical plant directly to such premises;

“wholesale electricity market” means an electricity market established by the market rules for the trading of electricity, ancillary services or any other electricity related products or services.

PART II

ADMINISTRATION

Authority to administer Act

3.—(1) The Authority shall be charged with the general administration of this Act and the exercise of the functions and duties imposed on the Authority by this Act.

(2) The Authority may authorise any person to assist it in the exercise of its functions and duties under this Act, either generally or in a particular case.

(3) Subject to the provisions of this Act, it shall be the function and duty of the Authority —

- (a) to protect the interests of consumers with regard to —
 - (i) the prices charged and other terms for the supply of electricity;
 - (ii) the reliability, availability and continuity of supply of electricity; and
 - (iii) the quality of electricity services provided;
- (b) to promote —
 - (i) the efficient use of electricity by consumers; and

-
- (ii) economic efficiency and the maintenance of such efficiency in the electricity industry;
 - (c) to perform the functions of economic and technical regulator for the electricity industry, including the exercise of licensing and regulatory functions in respect of the generation, transmission, import, export, trading and retailing of electricity, the provision of market support services, the operation of any wholesale electricity market and the establishment of standards of performance and codes of practice relating to any matter in connection therewith;
 - (d) to secure that electricity licensees whose prices are controlled by the Authority are able to provide an efficient service and maintain financial viability;
 - (e) to ensure security of supply of electricity to consumers and to arrange for the secure operation of the transmission system in accordance with the market rules or other codes of practice;
 - (f) to protect the public from dangers arising from the generation, transmission, supply or use of electricity;
 - (g) to create an economic regulatory framework in respect of the generation, transmission, import, export, trading and retail of electricity, the provision of market support services and the operation of any wholesale electricity market which —
 - (i) promotes and safeguards competition and fair and efficient market conduct or, in the absence of a competitive market, prevents the misuse of monopoly or market power; and
 - (ii) provides non-discriminatory access to any wholesale electricity market and to transmission services and market support services;
 - (h) to advise the Government on all matters relating to the generation, transmission, trading, retail and use of electricity, the provision of market support services and the operation of any wholesale electricity market; and
 - (i) to do such other things as are required under this Act and take such steps as are necessary or expedient for the effective discharge of its functions and duties under this Act.

(4) In performing its functions and exercising its powers, the Authority shall —

- (a) use its reasonable endeavours to apply principles and methodologies to licensees who conduct similar activities within a particular sector of the electricity industry in a non-discriminatory manner; and
- (b) act in a reasonable manner in all circumstances.

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

(6) For the purposes of this section, “consumers” includes both existing and future consumers of electricity.

Power to obtain information

4.—(1) The Authority or any authorised officer may by notice require any person to furnish, within a reasonable period specified in the notice, all documents and information relating to any matter as reasonably required by the Authority to carry out the functions or duties assigned to the Authority by or under this Act, which are within the knowledge of that person or in his custody or under his control.

(2) Any person who, without reasonable excuse, fails to do anything required of him by notice under subsection (1) shall be guilty of an offence.

(3) Any person who —

- (a) intentionally alters, suppresses or destroys any document or information which he has been required by a notice under subsection (1) to furnish; or
- (b) in furnishing any document or information required under subsection (1), makes any statement which he knows to be false in a material particular or recklessly makes such a statement,

shall be guilty of an offence.

(4) If any person fails to comply with a notice under subsection (1), the court may, on the application of the Authority, make such order as the court thinks fit to secure compliance with such notice and any

such order may provide that all the costs or expenses of and incidental to the application shall be borne by such person or by any officer of a company or other association who is responsible for the failure.

(5) The Authority through an authorised officer may, at any time after the expiry of the period specified in the notice referred to in subsection (1), enter any building or place where the Authority has reason to believe that any document or information, in respect of which it has given the notice, may be found, and seize or take extracts or copies of any such document or information.

(6) Except in the performance of his functions or duties or when required to do so by any court or under any written law, no person who is or has been a member, an officer, an employee or an agent of the Authority or a member of a committee of the Authority shall disclose any information relating to the affairs of the Authority or of any other person which has been obtained by him in the performance of his functions or duties.

(7) Any person who contravenes subsection (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Restriction on disclosure of confidential information

5.—(1) This section shall apply if —

- (a) any information or document is given by a person to the Authority under this Act (other than Part VII); and
- (b) at the time such information or document is given, the person notifies the Authority in writing that it is of a confidential or commercially sensitive nature.

(2) The Authority shall not disclose to any person the information or the contents of a document to which this section applies unless —

- (a) the Authority is of the opinion that —
 - (i) the disclosure of the information or the contents of the document would not cause detriment to the person supplying it or to any other person who is aware of the information or document; or
 - (ii) although the disclosure of the information or the contents of the document would cause detriment to the person supplying it or to any other person who is

aware of the information or document, the public benefit in disclosing it outweighs that detriment;

(b) the Authority gives written notice to —

(i) the person who supplied the information or document; and

(ii) any other person whom the Authority is aware has supplied the information or document to the person referred to in sub-paragraph (i), where the identity of such other person is known to the Authority,

stating that the Authority wishes to disclose the information or contents of the document, specifying the nature of the intended disclosure, setting out detailed reasons why the Authority wishes to make the disclosure and setting out a copy of this section; and

(c) no appeal is made to the Minister under subsection (3) within 7 days of the date of the giving of the notice.

(3) If a person wishes to appeal to the Minister in respect of a notice given by the Authority under subsection (2) (b), such appeal shall be lodged with the Minister within 7 days of the date of the giving of the notice and the Minister's decision shall be final.

(4) Subsection (2) shall not prevent the Authority —

(a) from disclosing any information or the contents of a document —

(i) to any member, officer, employee, agent or consultant of the Authority or a member of a committee or panel acting under a delegation by the Authority;

(ii) when required to do so by any court or under any written law; or

(iii) for the purposes of any criminal proceedings; or

(b) from supplying the information or document to the Minister on a confidential basis or to an Appeal Panel.

(5) For the purposes of this section, the disclosure of any information or the contents of a document already in the public domain at the time the Authority wishes to disclose it cannot cause detriment to any person referred to in subsection (2) (a).

PART III
LICENSING OF ACTIVITIES
RELATING TO ELECTRICITY

Prohibition on unauthorised activities relating to electricity

6.—(1) No person shall —

- (a) engage in the generation of electricity;
- (b) engage in the transmission of electricity;
- (c) engage in the retailing of electricity;
- (d) import or export electricity;
- (e) provide any market support services;
- (f) trade in any wholesale electricity market; or
- (g) operate any wholesale electricity market,

unless he is authorised to do so by an electricity licence granted under section 9 or is exempted under section 8.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500,000.

Application for licence, extension or exemption

7.—(1) An application for an electricity licence, an extension to an electricity licence or an exemption under this Part shall be —

- (a) made in writing to the Authority and shall be in such form as may be determined by the Authority; and
- (b) accompanied by such information and documents and fee as may be determined by the Authority.

(2) In determining whether to grant or extend an electricity licence to or for a particular person, the Authority shall consider the following:

- (a) the ability of that person to finance the carrying on of the particular activity;
- (b) the experience of that person in carrying on the activity, and its ability to perform the duties which would be imposed on that person under this Act and the electricity licence, if granted;

- (c) whether the person is related to any gas transporter under the Gas Act 2001;
- (d) whether or not that person is related to any electricity licensee or any person granted an exemption under section 8; and
- (e) the functions and duties of the Authority under section 3.

Exemption

8.—(1) Subject to subsections (6) and (7), the Authority may, with the approval of the Minister, by order published in the *Gazette*, exempt any person or class of persons from complying with section 6 (1) for any specified period —

- (a) generally or to such an extent as may be specified in the order; and
- (b) unconditionally or subject to such conditions as may be specified in the order.

(2) An exemption order shall, unless previously revoked, continue in force for such period as may be specified in the order.

(3) In granting an exemption under this section, the Authority shall act in a manner so as not to discriminate between members of a particular class.

(4) Without prejudice to the generality of subsection (1) (b), the conditions imposed under that subsection may require any person carrying on any activity in pursuance of the exemption —

- (a) to comply with any direction given by the Authority as to such matters as are specified in the exemption order or are of a description so specified;
- (b) to do or not to do such things as are specified in the exemption order or are of a description so specified, except in so far as the Authority consents to his doing or not doing them; and
- (c) to refer for determination by the Authority such questions arising from or under the exemption order as are specified in the order or are of a description so specified.

(5) If any condition of an exemption granted to a class of persons is not complied with by any person of that class, the Authority may give to that person a direction declaring that the exemption, so far as

the exemption relates to that person, is revoked to such extent and with effect from such date as may be specified in the direction.

(6) A transmission licensee and a market support services licensee shall not be granted an exemption under this section.

(7) An electricity licensee who is authorised by his licence to operate any wholesale electricity market shall not be granted an exemption under this section.

Electricity licences

9.—(1) The Authority may, with the approval of the Minister, grant or extend an electricity licence, unconditionally or subject to such conditions as the Authority may impose and specify in the licence, and revocably or irrevocably as specified therein, authorising any person to —

- (a) generate electricity;
- (b) transmit electricity;
- (c) retail electricity;
- (d) import or export electricity;
- (e) provide any market support services;
- (f) trade in any wholesale electricity market; or
- (g) operate any wholesale electricity market.

(2) No transmission licensee or market support services licensee shall be granted an electricity licence to carry out any activity other than the transmission of electricity or the provision of market support services, respectively.

(3) A gas transporter under the Gas Act 2001 shall not be granted an electricity licence under subsection (1) (a), (c), (d) or (f).

(4) No electricity licensee who is authorised by his licence to operate any wholesale electricity market shall be granted an electricity licence to carry out any activity other than the operation of that market.

(5) Every electricity licence granted or extended under this section shall be in writing and shall continue in force, unless revoked or suspended in accordance with this Part, for such period as may be specified in the electricity licence.

(6) An electricity licence may include any restriction or condition (whether or not relating to the activities authorised by the electricity licence) which appears to the Authority to be requisite or expedient having regard to the functions and duties of the Authority under section 3.

(7) Without prejudice to the generality of subsections (1) and (6), an electricity licence may include any condition —

(a) requiring the electricity licensee —

- (i) to pay to the Authority a fee on the grant of the electricity licence or to pay to it periodic fees during the currency of the licence or both, of such amount as may be determined by or under the licence;
- (ii) to enter into any agreement or arrangement on specified terms or on terms of a specified type relating to its trading or operation or for the connection to or use of any electric line or plant owned or operated by the electricity licensee or the other party to the agreement or arrangement;
- (iii) to observe, with such modification or exemption as may be approved by the Authority, specified codes of practice and the market rules;
- (iv) to maintain specified financial accounting records and prepare financial accounts according to specified principles;
- (v) to appoint, at such intervals and on such terms as the Authority may direct, an independent technical auditor for the purposes specified in the condition;
- (vi) to prepare for approval by the Authority guidelines regarding the procedures the licensee must follow in the event of any public emergency; and
- (vii) to do or not to do such things as are specified in the electricity licence or are of a description so specified;

(b) controlling or fixing prices to be charged for the services provided by a transmission licensee, market support services licensee or an electricity licensee authorised to operate any wholesale electricity market including —

- (i) the fixing of prices or the rate of increase or decrease in prices;

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- (ii) the fixing of a maximum price or maximum rate of increase or minimum rate of decrease in the maximum price;
 - (iii) the fixing of an average price or an average rate of increase or decrease in the average price;
 - (iv) the setting of pricing policies or principles;
 - (v) the setting of prices with reference to a general price index, the cost of production, a rate of return on assets employed or any specified factor; and
 - (vi) the setting of prices with reference to the quantity, location, period or other specified factors relevant to the activities authorised by the licence;
 - (c) in the case of a transmission licensee, market support services licensee or an electricity licensee authorised to operate any wholesale electricity market —
 - (i) imposing controls and restrictions, directly or indirectly, on the creation, holding or disposal of shares in the licensee or its shareholders or of interests in the undertaking of the licensee or any part thereof; and
 - (ii) imposing restrictions on the carrying on by the licensee of any trade or business which is not related to the activity which the licensee is authorised by its electricity licence to carry on; and
 - (d) which provides for any one or more of the conditions specified in the electricity licence to cease to have effect at such times and in such manner and circumstances as may be specified in or determined by or under the condition.
- (8) The Authority shall in writing notify an applicant for the grant or extension of an electricity licence of its decision to grant or refuse to grant or extend the licence and, in the case of a decision to refuse to grant or extend the licence, the reasons for its decision.
- (9) Any person who is aggrieved by a refusal of the Authority to grant or extend an electricity licence may, within 14 days of the refusal, appeal to the Minister, whose decision shall be final.

Special condition in market support services licence

10. Without prejudice to the generality of section 9 (1) and (6), the conditions specified in an electricity licence, to which a market support services licensee may be subject, may include a requirement that the licensee shall provide market support services to a contestable consumer on terms and conditions approved by the Authority for the purpose of allowing the consumer to purchase electricity indirectly from any wholesale electricity market through the licensee in circumstances in which —

- (a) the contestable consumer does not, cannot or no longer wishes to purchase electricity from a retail electricity licensee or directly from any wholesale electricity market; or
- (b) a retail electricity licensee is unable or refuses to retail electricity to the contestable consumer for any reason.

Restriction on transfer of electricity licence

11.—(1) No electricity licence shall be transferable to any other person without the approval in writing of the Authority.

- (2) Any purported transfer of an electricity licence shall be void.

Modification of conditions of electricity licence

12.—(1) Subject to this section, the Authority may modify the conditions of an electricity licence.

(2) The Authority shall not modify any condition of an electricity licence unless the Authority is satisfied that the modification is requisite or expedient having regard to the functions and duties of the Authority under section 3.

(3) Before making any modification to the conditions of an electricity licence under this section, the Authority shall give notice to the electricity licensee concerned and other electricity licensees likely to be affected by the proposed modification —

- (a) stating that the Authority proposes to make a modification in the manner specified in the notice;
- (b) stating the reasons why the Authority proposes to make the modification, including whether the need for the

modification was the subject of a prior representation made by a third party or the electricity licensee concerned; and

- (c) specifying the period from the date of the giving of the notice (not being less than 28 days) within which written representations with respect to the proposed modification may be made.

(4) Where the Authority receives any written representation under subsection (3), the Authority shall consider such representation and may —

- (a) reject the representation; or
- (b) withdraw or amend the proposed modification in accordance with the representation or otherwise,

and, in either event, it shall thereupon issue a direction in writing to the electricity licensee concerned requiring that effect be given to the proposed modification specified in the notice, if any, or to such modification as may be subsequently amended by the Authority, within a reasonable time.

(5) Any electricity licensee who is aggrieved by a decision of the Authority under subsection (4) may, within 14 days of the receipt by it of the direction of the Authority, appeal to the Appeal Panel under Part VIII.

(6) The Authority shall not enforce a direction given under subsection (4) —

- (a) during the period referred to in subsection (3) (c) unless the electricity licensee concerned consents to the modification referred to under subsection (3) (a) taking effect before the end of such period; and
- (b) whilst the appeal of any electricity licensee is under consideration by the Appeal Panel.

(7) If no written representation is received by the Authority within the period specified in subsection (3) (c) or if any written representation made under that subsection is subsequently withdrawn, the Authority may forthwith carry out the modification as specified in the notice given under that subsection.

Revocation or suspension of electricity licence

13.—(1) Subsection (2) shall apply if the Authority is satisfied that —

- (a) an electricity licensee has gone into compulsory liquidation or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (b) any circumstance specified in an electricity licence that gives rise to the Authority's power to revoke or suspend the licence exists;
- (c) an electricity licensee has not complied with any direction or requirement issued by the Authority under section 14;
- (d) an electricity licensee is no longer in a position to operate in conformity with this Act or the terms and conditions of its electricity licence; or
- (e) the public interest or security of Singapore requires.

(2) The Authority may, by notice in writing and without any compensation —

- (a) revoke an electricity licence or suspend an electricity licence for such period as the Authority thinks fit; and
- (b) in the case of subsection (1) (b) or (c), require the payment of a financial penalty, in addition to the imposition of any sanction under section 14, of an amount not exceeding 10% of the annual turnover of that part of an electricity licensee's business in respect of which the licensee holds a licence, ascertained from the licensee's latest audited accounts, or an amount not exceeding \$1 million, whichever is higher.

Enforcement

14. If the Authority is satisfied that an electricity licensee is contravening, or is likely to contravene or has contravened any condition of its electricity licence, any code of practice or other standard of performance applicable to the licensee, any provision of this Act or any direction issued by the Authority to or applicable to the electricity licensee, the Authority may by notice in writing to the electricity licensee —

- (a) direct the electricity licensee to do or not do such things as are specified in such direction;
- (b) require the electricity licensee to provide a performance bond, guarantee or any other form of security on such terms and conditions as the Authority may determine; and

- (c) require the electricity licensee to pay a financial penalty of an amount not exceeding 10% of the annual turnover of that part of the licensee's business in respect of which the licensee holds a licence, ascertained from the licensee's latest audited accounts, or an amount not exceeding \$1 million, whichever is higher.

Appeal against revocation, suspension or enforcement

15. Any person who is aggrieved by any decision of the Authority under section 13 or 14 may, within 14 days after the person has been given the notice in writing referred to in those sections, appeal to the Minister whose decision shall be final.

Codes of practice

16.—(1) The Authority may issue or approve one or more codes of practice and other standards of performance for the regulation of activities and conduct in the electricity industry.

(2) A code of practice issued or approved under this section may be modified by the Authority in accordance with the relevant code of practice by notice published in such manner as will secure adequate publicity.

(3) If any provision in any code of practice issued or approved by the Authority is inconsistent with the regulations, such provision, to the extent of the inconsistency —

- (a) shall have effect subject to such regulations; or
- (b) having regard to such regulations, shall not have effect.

(4) Any code of practice issued or approved by the Authority under this section shall be deemed not to be subsidiary legislation.

Direction by Authority

17.—(1) The Authority may give directions for or with respect to codes of practice and other standards of performance and procedures to be observed by electricity licensees and other persons —

- (a) to ensure the reliability of the supply of electricity to the public;
- (b) to ensure the security of the electricity system;
- (c) to maintain the voltage or reactive flow of power through the transmission system;

- (d) in the interests of public safety; or
- (e) as may be necessary to allow the Authority to carry out its functions and duties under section 3.

(2) In giving any direction under subsection (1), the Authority shall have regard to the market rules, the effect and purpose of the market rules and the implication of the direction on the market rules.

(3) Any person who fails to comply with any direction given under subsection (1) shall be guilty of an offence.

Compliance with codes of practice

18.—(1) Every electricity licensee shall comply with the codes of practice and other standards of performance issued or approved under section 16 and directions given under section 17.

(2) No electricity licensee shall allow electricity to be generated, transmitted, supplied or retailed or market support services to be provided otherwise than in accordance with any applicable code of practice or other standards of performance specified in the conditions of its electricity licence, the regulations or any direction given by the Authority.

Exclusion of liability of Authority

19. Notwithstanding the grant of any electricity licence, the Authority shall not be liable in any circumstance for any loss, damage or cost sustained by any person as a result of any default, negligence, breach or other wrongful act or omission of any electricity licensee or any agent or employee of the electricity licensee.

Duties of electricity licensees

20.—(1) It shall be the duty of a generation licensee to develop and maintain a reliable, efficient, coordinated and economical system of electricity generation in accordance with the market rules and such applicable codes of practice and other standards of performance as may be issued or approved by the Authority under section 16.

(2) It shall be the duty of a transmission licensee —

- (a) to develop and maintain a reliable, efficient, coordinated and economical transmission system in accordance with such applicable codes of practice and other standards of

performance as may be issued or approved by the Authority under section 16;

- (b) to facilitate competition in the generation and sale of electricity by making its transmission system available to persons authorised to generate, trade or retail electricity or to provide market support services on terms which neither prevent nor restrict such competition; and
- (c) to provide non-discriminatory access to its transmission system for the supply and use of electricity in accordance with this Act, its transmission licence and the market rules.

(3) It shall be the duty of a retail electricity licensee to develop and maintain a reliable, efficient, coordinated and economical electricity retail business in accordance with such applicable codes of practice and other standards of performance as may be issued or approved by the Authority under section 16.

(4) It shall be the duty of a market support services licensee —

- (a) to develop and maintain a reliable, efficient, coordinated and economical system for the provision of market support services in accordance with such applicable codes of practice and other standards of performance as may be issued or approved by the Authority under section 16;
- (b) to facilitate competition in the retailing of electricity by providing market support services to consumers and retail electricity licensees on terms which neither prevent nor restrict such competition; and
- (c) to provide non-discriminatory access to its market support services in order to facilitate retail competition in accordance with this Act, its market support services licence and the market rules.

(5) It shall be the duty of an electricity licensee to ensure that it will not do or not omit to do any act which will adversely affect, directly or indirectly, the security and stability of the electricity supplied by it or by any other person to consumers.

Non-contestable consumers

21.—(1) A market support services licensee shall provide market support services to a non-contestable consumer in accordance with

this Act and its licence, and on terms and conditions approved by the Authority.

(2) Any existing agreement under which any person supplies and sells electricity to a non-contestable consumer shall cease to have effect from the appointed day.

(3) Nothing in subsection (2) shall have the effect of extinguishing any right or liability of any party under the existing agreement referred to in that subsection where such right or liability had accrued on the appointed day.

(4) A market support services licensee shall not discontinue the provision of market support services to any non-contestable consumer except in accordance with its licence.

(5) Nothing in this section shall be taken as requiring a market support services licensee to procure a supply of electricity to the premises of any non-contestable consumer if —

- (a) it is prevented from doing so by circumstances not within its control;
- (b) circumstances exist by reason of which its doing so would or might involve the market support services licensee or any other electricity licensee being in breach of this Act, and the market support services licensee or other electricity licensee has taken all reasonable steps to prevent the circumstances from occurring and to prevent them from having that effect; or
- (c) any building on the premises has been erected in contravention of any written law or is in a ruinous or dangerous condition.

Tariffs set by market support services licensee for non-contestable consumers

22.—(1) Subject to this section, the prices to be charged by a market support services licensee and to be paid by non-contestable consumers for the supply of electricity shall be in accordance with such tariffs as may be set from time to time by the market support services licensee in accordance with the conditions of its electricity licence and with the approval of the Authority.

(2) A tariff set by a market support services licensee under subsection (1) shall be published in such manner as will secure adequate publicity for it.

(3) In setting tariffs under subsection (1), a market support services licensee shall neither show undue preference as between consumers similarly situated nor exercise undue discrimination as between persons similarly situated, having regard to the place and time of supply and the quantity of electricity supplied.

Power to require security

23.—(1) Subject to this section, where any person requires a supply of electricity, a market support services licensee or transmission licensee may require the person, or any retail electricity licensee acting on behalf of a consumer, to give it reasonable security for the payment to it of all money which may become due to it in respect of —

(a) the supply of electricity; or

(b) the provision of all or any main or electrical plant,

as the case may be.

(2) Where any person fails to give the security required under subsection (1), the market support services licensee or the transmission licensee may, if it thinks fit, refuse to provide the supply of electricity or to provide or procure the provision of all or any main or electrical plant (as the case may be) for so long as the failure continues.

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

(a) the market support services licensee or the transmission licensee may by notice require that person, within 7 days after the service of the notice, to give it reasonable security for the payment of all money which may become due to the market support services licensee or the transmission licensee in respect of the supply of electricity; and

(b) if that person fails to give such security, the market support services licensee or the transmission licensee may if it thinks fit discontinue the supply of electricity for so long as the failure continues.

Recovery of charges

24.—(1) Subject to subsection (2), if a market support services licensee has good cause to direct a transmission licensee to disconnect a non-contestable consumer from the transmission system, including the failure of the consumer to pay an account, the market support services licensee may issue a direction to the transmission licensee to disconnect the consumer from the transmission system.

(2) A market support services licensee shall not direct a transmission licensee to disconnect the supply of electricity to any residential premises by reason of failure by the consumer to pay an account for that supply if the failure occurs through lack of sufficient income of the consumer and of any other person normally resident on the premises supplied until —

- (a) the market support services licensee has offered to advise the consumer about optional methods of arranging payment of the account; and
- (b) the consumer —
 - (i) refuses or fails to accept that offer of advice within the period (being not less than 7 days) specified by the market support services licensee in each case; or
 - (ii) accepts the offer of advice, but refuses or fails to take any reasonable action to pay the account within the period (being not less than 7 days) specified by the market support services licensee.

(3) A transmission licensee who receives a direction from a market support services licensee under subsection (1) shall comply with that direction as soon as possible.

(4) Subject to this section, if a contestable consumer has not, on the due date, paid all charges due from him to a transmission licensee, the licensee may —

- (a) in accordance with its licence and the market rules, disconnect that consumer from the transmission system;
- (b) discontinue the supply of electricity to the premises, or any other premises occupied by the consumer by such other means as it thinks fit; and
- (c) recover any expenses incurred in so doing from the consumer.

(5) Where a transmission licensee has disconnected the supply of electricity to any premises in consequence of any default on the part of a consumer, the licensee shall, subject to the market rules, reconnect the supply of electricity to the consumer within a reasonable time if the consumer in default has —

- (a) made good the default;
- (b) paid the reasonable expenses of disconnecting and re-connecting the supply; and
- (c) given such security as the transmission licensee may reasonably require.

(6) Where a market support services licensee receives any payment from a consumer and the consumer has not, in making the payment, indicated to the market support services licensee the charges in respect of which the payment is to be made, the licensee may apportion the payment received to pay such charges in such proportion and manner as may be prescribed.

Additional terms of supply of electricity

25.—(1) Where any person requires a supply of electricity, a market support services licensee or a transmission licensee may require (or may cause a retail electricity licensee to require) that person to accept in respect of the supply —

- (a) any condition requiring the person to provide sufficient premises and to construct such rooms, buildings or structures as may be considered necessary by the licensee to accommodate and house the electrical plant required for the purposes of the supply;
- (b) any condition giving the licensee the right to use the premises, rooms, buildings or structures provided or constructed under paragraph (a) for the purposes of the supply; and
- (c) any restriction which must be imposed for the purpose of enabling the licensee to comply with this Act and its licence.

(2) If a retail electricity licensee is required to secure the provision or acceptance of any one or more of the conditions or restrictions referred to in subsection (1), the retail electricity licensee shall do all things necessary to secure the provision or acceptance of such conditions or restrictions as may be required in each particular case.

Determination of disputes by Authority

26.—(1) Any dispute between a consumer and a market support services licensee as to whether supply of electricity should be provided to that consumer —

- (a) may be referred to the Authority by either party; and
- (b) on such a reference, shall be determined by the Authority, whose decision shall be final and conclusive between the parties.

(2) Notwithstanding that a dispute between a consumer and a market support services licensee has been referred to the Authority, the licensee shall, subject to section 21 (5) and 41 (13), supply electricity to the consumer until the dispute is determined by the Authority.

Fuel stocks

27.—(1) In respect of any generating station, the Authority may give a direction requiring the electricity licensee who operates it —

- (a) to make such arrangements with respect to stocks of fuel held at or near that generating station for the purposes of its operation as will —
 - (i) enable those stocks to be brought within a specified time to, and thereafter maintained at, a specified level; and
 - (ii) ensure that they do not fall below that level, except as may be permitted by the terms of the direction or by a direction under subsection (2); and
- (b) to create such stocks and make such arrangements with respect to them,

and the amount of any stocks may be specified by reference to the period for which it would enable the generating station to be maintained in operation.

(2) In respect of any generating station, the Authority may, in the event of an emergency, give a direction —

- (a) authorising or requiring the electricity licensee who operates it to make such use as may be specified of any stocks held at or near that generating station; and

- (b) requiring that electricity licensee to operate, or not to operate, that generating station for specified periods, at specified levels of capacity or use specified fuels.
- (3) For the purposes of this section, “specified” means specified by or under the Authority’s direction and such direction may —
 - (a) specify the cases and circumstances in which any stocks are to be treated as held at or near any generating station;
 - (b) specify the extent to which the direction may be treated as complied with;
 - (c) specify the manner in which any period mentioned in subsection (1) or (2) is to be determined; and
 - (d) require anything falling to be specified under the direction to be specified by such person and by reference to such matters as may be specified.
- (4) A direction under subsection (1) or (2) which confers on any person the function of specifying anything falling to be specified under the direction may require that person to exercise that function in the manner specified by the direction.

PART IV

CONTROL OF ELECTRICITY LICENSEES

Special administration order

28.—(1) A special administration order is an order of the Minister made in accordance with section 29 in relation to an electricity licensee directing that, during the period for which the order is in force, the affairs, business and property of that electricity licensee shall be managed directly or indirectly by the Authority —

- (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 and creditors of that electricity licensee.
- (2) The purposes referred to in subsection (1) (a) are —
- (a) the security and reliability of the supply of electricity to the public;

- (b) the survival of the electricity licensee, or the whole or part of its business for which it is authorised by its licence to carry on, as a going concern;
 - (c) the transfer to another company, or (as respects different parts of the area to which the electricity licensee's licence relates, or different parts of its business or undertaking) to 2 or more different companies, as a going concern, of such of the electricity licensee's undertakings as it is necessary to transfer in order to ensure that the functions and duties which have been vested in the electricity licensee by virtue of its licence may be properly carried out; or
 - (d) the carrying out of the functions and duties which have been vested in the electricity licensee pending the making of the transfer and the vesting of those functions and duties in other company or companies.
- (3) The Minister may make regulations —
- (a) for giving effect to this section and section 29, including regulations governing the transfer of the electricity licensee's business or undertaking referred to in subsection (2) (c); and
 - (b) where a special administration order is made, for applying, omitting or modifying the provisions of Part VIIIA of the Companies Act (Cap. 50).

Power to make special administration order, etc.

29.—(1) If, on an application made to the Minister by the Authority, the Minister is satisfied in relation to any electricity licensee that any one or more of the grounds specified in subsection (2) are satisfied in relation to that electricity licensee, the Minister may make any one or more of the following orders:

- (a) a special administration order in relation to that electricity licensee;
- (b) an order requiring the electricity licensee immediately to take any action or to do or not to do any act or thing in relation to that part of its business or undertaking to which its electricity licence relates as the Minister may consider necessary; or
- (c) an order appointing a person to advise the electricity licensee in the proper conduct of that part of its business or undertaking to which its electricity licence relates.

(2) The grounds referred to in subsection (1) are —

- (a) the electricity licensee 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 supply of electricity to the public; or
- (d) the Minister considers it in the public interest.

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

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

(5) Any decision of the Minister under subsection (1) shall be final.

(6) For the purposes of this section, an electricity licensee, being 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 (Cap. 50).

(7) Notwithstanding any written law —

- (a) an electricity licensee shall not be wound up voluntarily without the consent of the Authority;
- (b) no judicial management order under Part VIIIA of the Companies Act shall be made in relation to an electricity licensee;
- (c) no step shall be taken by any person to enforce any security over an electricity licensee's property, except where that person has served on the Authority 14 days' notice of his intention to take that step; and
- (d) no step shall be taken by any person to execute or enforce a judgment or order of court obtained against an electricity licensee, except where that person has served on the Authority 14 days' notice of his intention to take that step.

(8) The Authority shall be a party to any proceedings under the Companies Act relating to the winding up of the affairs of an electricity licensee.

Remuneration and expenses of Authority and others

30.—(1) Where a special administration order has been made under section 29 (1) (a), the Authority may, at any time, whether or not the order is still in force, fix the remuneration and expenses to be paid by the electricity licensee to the Authority.

(2) The Authority may at any time (whether or not the appointment of the person has terminated) fix the remuneration and expenses to be paid by an electricity licensee to any person appointed by the Minister under section 29 (1) (c) to advise the electricity licensee in the proper conduct of the business or undertaking to which its electricity licence relates.

PART V**MATTERS RELATING TO
ELECTRICITY LICENSEES****Works by electricity licensee**

31.—(1) Subject to the provisions of this Act, a generation licensee, market support services licensee or transmission licensee may, for any purpose connected with the carrying on of the activities authorised by its electricity licence —

- (a) install under, over, in, on, along or across any premises, street or bridge and from time to time inspect, maintain, adjust, repair, alter, replace or remove —
 - (i) any electric line or electrical plant;
 - (ii) any structure for housing or covering any such line or plant; and
 - (iii) any meter, switch and any other suitable and proper apparatus, for the purpose of leading off service lines and other distributing conductors or of examining, testing, measuring, directing or controlling the supply of electricity or of testing the conditions of the mains and other portions of the works; and
- (b) execute any work requisite for or incidental to the purposes of any work falling within paragraph (a), including for those purposes —
 - (i) excavating any land, street or drain;

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- (ii) tunnelling or boring under any land, street, sewer or drain;
 - (iii) removing or using all earth and materials in or under any land, street, sewer or drain;
 - (iv) erecting, placing or installing equipment, apparatus and other electrical plant in or under any land, building, street or bridge; and
 - (v) erecting, placing or installing poles on any land or street.

(2) All such works, including the upper surface or covering thereof, shall be constructed of such materials and maintained by the generation licensee, market support services licensee or transmission licensee in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise; and when such licensee lays any electric line that is liable to touch any main, pipe, line or other service, the conducting portion of the electric line shall be effectually insulated.

(3) The generation licensee, market support services licensee or transmission licensee shall pay compensation to any person who suffers any damage or loss of value to his property as a result of any work performed by the licensee under subsection (1) of such amount as may be agreed between the licensee and the person, and such compensation may include an annual payment for the use of any land or immovable property for the licensee's purpose.

(4) The generation licensee, market support services licensee or transmission licensee shall not acquire any right other than that of user only in respect of any land or property under, over, in, on, along or across which the licensee installs any electric line or electrical plant or executes any work under this section.

(5) Except in cases of emergency arising from any fault in any electric line or electrical plant, no work falling within subsection (1) shall be executed without the giving of 14 days' notice stating as fully and accurately as possible the nature and extent of the acts intended to be done.

(6) The owner or occupier of the land may, within 14 days of the receipt of the notice referred to in subsection (5), lodge a written objection with the Authority and the Authority shall specify the date by which an inquiry into such objection shall be made.

(7) If no objection is lodged within the period specified in subsection (6), the licensee may on expiry of the period specified in the notice, enter on the land and do all or any of the acts specified in the notice.

(8) Where an objection lodged under subsection (6) is not withdrawn before the date fixed for an inquiry into the matter under that subsection, the Authority shall hold an inquiry, giving each party an opportunity to be heard.

(9) Subject to subsection (10), upon the conclusion of the inquiry, the Authority may authorise, either unconditionally or subject to such terms, conditions and stipulations as it thinks fit, the carrying out of any of the acts specified in the notice given under subsection (5).

(10) Any person aggrieved by any decision of the Authority under subsection (9) may, within 14 days of the conclusion of the inquiry, appeal to the Minister whose decision shall be final.

(11) The generation licensee, market support services licensee or transmission licensee shall do as little damage as possible in the exercise of the powers conferred by subsection (1) and shall, as soon as practicable, make good any damage done in the exercise of those powers.

(12) Where any dispute arises as to whether a generation licensee, market support services licensee or transmission licensee has sufficiently made good any damage done in the exercise of the powers conferred by subsection (1), the dispute —

- (a) may be referred to the Authority by either party; and
- (b) on such a reference, shall be determined by the Authority whose decision shall be final and conclusive between the parties.

(13) A generation licensee, market support services licensee or transmission licensee shall exercise the powers conferred by subsection (1) in such manner as will secure that nothing which it installs or keeps installed under, over, in, on, along or across any premises, street or bridge becomes a source of danger to the public.

(14) A generation licensee, market support services licensee or transmission licensee shall not, when exercising the powers conferred by subsection (1), be liable for or required to pay any person any fee, charge or expense for the right to enter or use any land or premises.

(15) A generation licensee, market support services licensee or transmission licensee shall not, without the approval in writing of a Government authority or a statutory authority, enter or use any land or premises belonging to the Government authority or statutory authority for the purpose of exercising the powers conferred by subsection (1).

Power to fell trees, etc.

32.—(1) Where, in the opinion of an electricity licensee, there is at any time danger or suspected danger that any tree or vegetation near the licensee's installation or plant may obstruct or interfere with the supply of electricity or cause damage to such installation or plant, the licensee may cause the tree or vegetation to be felled or dealt with in such other manner as will, in its opinion, avert the danger.

(2) An electricity licensee shall, in the exercise of its powers under subsection (1), be subject to the provisions of the National Parks Act (Cap. 198A) and the Parks and Trees Act (Cap. 216).

(3) Where any tree or vegetation, which has been felled or dealt with under subsection (1), was in existence before the electricity licensee's installation or plant was placed, erected or installed, the licensee shall, subject to subsections (4) and (5), pay to any person adversely affected such sum as may be agreed between the licensee and the person, or in the absence of agreement, such sum as may be determined by the Authority.

(4) No further compensation shall be paid for the felling, lopping or clearing of any tree or vegetation where the action is necessary for the maintenance of an electricity licensee's installation or plant and the tree or vegetation has grown or has been allowed to grow since the payment of compensation under subsection (3).

(5) No compensation shall be payable by an electricity licensee under subsection (3) in respect of any tree or vegetation within 20 metres of the centre line of any road constructed or maintained by the Government or by any public authority unless it is proved that the tree or vegetation was in existence prior to the construction of the road.

(6) Where the owner or occupier of any land fells, lops or clears any tree or vegetation adjacent to an electricity licensee's installation or plant, the owner or occupier shall give the licensee 14 days' notice in writing of his intention to do so and shall take such reasonable

precautions as the licensee may require for the protection of such installation or plant.

(7) If any such owner or occupier fails to give notice under subsection (6) or having given notice fails to take any such reasonable precautions as the electricity licensee may have required, he shall be liable to pay the licensee any cost and expense incurred by the licensee for any damage caused to any such installation or plant, subject to the Authority's approval in the case of any dispute.

(8) If any tree or vegetation is felled, lopped or cleared upon land adjacent to an electricity licensee's installation or plant, it shall be presumed until the contrary is proved that the tree or vegetation was felled, lopped or cleared by the owner or occupier of the land or by his employees or agents acting as such.

Entry upon premises by electricity licensee for purposes of exploration

33.—(1) Subject to this section and without prejudice to any other right of entry, a person authorised in writing by a transmission licensee or a market support services licensee may, at any reasonable time, enter upon and survey any premises for the purpose of ascertaining whether the premises would be suitable for use for any purpose connected with the carrying on of the activities which the licensee is authorised by its electricity licence to carry on.

(2) A person authorised to enter upon any premises under this section shall not demand to do so as of right unless —

- (a) 7 days' notice of the intended entry has been given to the occupier; and
- (b) if required to do so, he has produced evidence of his authority.

(3) The power to survey premises conferred by this section includes the power to search and bore for the purposes of ascertaining the nature of the subsoil, but works may not be carried out on the premises for this purpose unless —

- (a) notice of the proposed works is included in the notice given under subsection (2); and
- (b) where premises are held by any statutory authority which objects to the works on the ground that the carrying out of

the works would be seriously detrimental to the carrying on of its undertaking, the Minister gives his approval.

(4) Where any person exercises any power conferred by this section, the licensee by whom he was authorised shall make good any damage done to the premises.

(5) An electricity licensee shall not, without the approval in writing of a Government authority or statutory authority, authorise any person to enter or use any premises belonging to the Government authority or statutory authority for the purpose of exercising the powers conferred by subsection (1).

Entry during continuance of supply

34. A person authorised by a transmission licensee or market support services licensee to enter upon any premises may, at all reasonable times, on the production of some duly authenticated document showing his authority, enter any premises to which a supply of electricity is being given for any of the following purposes:

- (a) inspecting any electric line or electrical plant belonging to the licensee;
- (b) ascertaining the register of any electricity meter;
- (c) removing, inspecting or re-installing any such meter or installing any substitute meter; and
- (d) carrying out all other works necessary to maintain the supply of electricity.

Entry during discontinuance of supply

35.—(1) Where —

- (a) a transmission licensee or market support services licensee is authorised by this Act or its electricity licence to disconnect or discontinue the supply of electricity to any premises;
- (b) a person occupying premises supplied with electricity by a retail electricity licensee or market support services licensee ceases to require such a supply; or
- (c) a person entering into occupation of any premises previously supplied with electricity by a retail electricity licensee or market support services licensee does not require such a supply,

any person authorised in writing by the transmission licensee or market support services licensee may at all reasonable hours, on production of some duly authenticated document showing his authority, enter the premises for the purposes of disconnecting the supply or removing any electrical plant, electric line or electricity meter, as the case may be.

(2) Subject to section 39, the person so authorised by a transmission licensee or market support services licensee shall not enter any dwelling-house in actual occupation, unless with the consent of the occupier thereof, without 6 hours' previous notice to the occupier.

Entry for replacing, repairing or altering electric line or electrical plant

36.—(1) Any person authorised by an electricity licensee in writing may, after 7 days' notice to the occupier of any premises or to the owner of any premises which are unoccupied, at all reasonable times, on production of some duly authenticated document showing his authority, enter the premises for the purpose of —

- (a) placing a new electric line or electrical plant in the place of or in addition to any existing line or plant which has already been lawfully placed and which belongs to that licensee; or
- (b) maintaining, inspecting, repairing, removing or altering any such existing line or plant.

(2) In the case of an emergency arising from any fault in any electric line or electrical plant, entry may be made under subsection (1) without the notice required by that subsection, but the notice shall then be given as soon as possible after the occurrence of the emergency.

Relocation of installation

37.—(1) Where an installation has been laid under or upon any land by an electricity licensee and the owner or occupier of the land desires to use the land in a manner which renders it necessary or convenient to move such installation, the owner or occupier may request the licensee to move the installation accordingly.

(2) An electricity licensee may, at the request of the owner or occupier of any premises under or upon which any installation of the

licensee is situated, relocate the installation if the licensee is satisfied that such relocation is reasonable and the owner or occupier complies with such terms and conditions as the licensee may impose, including terms and conditions relating to the payment by the owner or occupier of all costs and expenses necessary for the relocation.

(3) Where an installation has been laid under or upon any land by an electricity licensee and the installation is no longer in use by the occupier of the land or any other person for the purpose of the transmission or supply of electricity, the licensee may at its own volition, or at the reasonable request of the owner of the land, remove the installation from the land at the expense of the electricity licensee.

(4) For the purposes of this section, “owner” includes any person having a leasehold interest in the land or premises with an unexpired term of not less than 7 years.

Electrical plant not fixtures and not subject to distress

38. Any electrical plant, electric line, electricity meter, appliance, accessory, fitting and appurtenance owned or let for hire or lent to a consumer by an electricity licensee and which has been affixed or fastened to any part of the premises —

- (a) shall continue to remain the property of that licensee and shall be deemed not to be a fixture, and shall not vest in the owner of the premises; and
- (b) shall not be subject to distress or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession it is.

Power to discontinue supply of electricity in emergency, etc.

39.—(1) Where an electricity licensee is of the opinion that immediate action is necessary on the occurrence of any emergency, in the interest of public safety or in order to avoid undue interference with the efficient supply of electricity to other consumers or for such other reasons affecting public interest, the licensee —

- (a) may forthwith discontinue the supply of electricity to any person;
- (b) shall immediately thereafter give notice in writing of the discontinuance to the person; and

- (c) not being a market support services licensee, shall immediately inform the market support services licensee of the discontinuance.

(2) An electricity licensee shall not be liable for any loss or damage caused to any person by such discontinuance of the supply of electricity to the person.

Emergency plans

40.—(1) The Authority may require an electricity licensee to prepare and file with the Authority such emergency plans in accordance with, and as may be specified in, its licence and the market rules.

(2) The Authority may, with the approval of the Minister, direct an electricity licensee to implement an emergency plan prepared by that licensee on one or more occasions and with such modifications as the Minister may, from time to time, consider necessary.

Contestable consumers

41.—(1) The Authority may, with the approval of the Minister, make regulations prescribing the criteria that must be met by a consumer in order to be classified as a contestable consumer.

(2) A market support services licensee shall provide market support services to a contestable consumer in accordance with this Act and its licence, and on terms and conditions approved by the Authority.

(3) A contestable consumer shall purchase electricity for consumption on his own premises in accordance with any one of the following options:

- (a) purchase electricity from a retail electricity licensee on mutually agreed terms and conditions;
- (b) subject to subsection (4), purchase electricity directly from any wholesale electricity market at prevailing market prices; or
- (c) purchase electricity indirectly from any wholesale electricity market through a market support services licensee at prevailing market prices.

(4) A contestable consumer shall not purchase electricity directly from any wholesale electricity market unless he is granted a licence by the Authority to do so and is registered as a market participant in accordance with the market rules.

(5) A consumer shall have the option to, within a period of 30 days from the date on which he is classified under subsection (1) as a contestable consumer (or such further period as the Authority may determine) —

- (a) commence purchasing electricity under a contract with a retail electricity licensee; or
- (b) commence purchasing electricity directly from any wholesale electricity market.

(6) If a consumer commences purchasing electricity under subsection (5) (a) or (b) and has an existing agreement under which any person supplies and sells electricity to the consumer, that agreement shall cease to have effect from the date on which the consumer commences purchasing electricity under the relevant option.

(7) If a consumer does not commence purchasing electricity under subsection (5) (a) or (b), he shall be deemed to commence purchasing electricity indirectly from any wholesale electricity market through a market support services licensee at prevailing market prices with effect from the date immediately after the expiry of the period referred to in that subsection.

(8) Where subsection (7) is applicable and the consumer has an existing agreement under which any person supplies and sells electricity to the consumer, that agreement shall cease to have effect from the date immediately after the expiry of the period referred to in subsection (5).

(9) Notwithstanding subsections (5) and (7), a contestable consumer may, at any time after the expiry of the period referred to in subsection (5), enter into an arrangement to purchase electricity for consumption on his own premises under any one of the options specified under subsection (3).

(10) At such time when —

- (a) a contestable consumer does not, cannot or no longer wishes to purchase electricity from a retail electricity licensee or directly from any wholesale electricity market; or

(b) a retail electricity licensee is unable or refuses to retail electricity to a contestable consumer for any reason, a market support services licensee shall provide the contestable consumer access to any wholesale electricity market for the purpose of allowing the consumer to purchase electricity indirectly from that market through the licensee at prevailing market prices.

(11) Nothing in subsections (6) and (8) shall have the effect of extinguishing any right or liability of any party under the existing agreement referred to in those subsections where such right or liability had accrued on the date the agreement ceased to have effect under those subsections.

(12) A market support services licensee shall not discontinue the provision of market support services to any contestable consumer except in accordance with its licence.

(13) Nothing in this section shall be taken as requiring a market support services licensee to procure a supply of electricity to the premises of any contestable consumer if —

- (a) it is prevented from doing so by circumstances not within its control;
- (b) circumstances exist by reason of which its doing so would or might involve the market support services licensee or any other electricity licensee being in breach of this Act, and the market support services licensee or other electricity licensee has taken all reasonable steps to prevent the circumstances from occurring and to prevent them from having that effect; or
- (c) any building on the premises has been erected in contravention of any written law or is in a ruinous or dangerous condition.

PART VI

WHOLESALE ELECTRICITY MARKET

Definitions

42.—(1) For the purposes of this Part —

“constituent documents” means the memorandum and articles of association of the Market Company;

“Market Company” means the company which holds an electricity licence authorising it to operate any wholesale electricity market.

(2) In the event of any inconsistency —

- (a) between the constituent documents and this Act or the market rules, this Act or the market rules, as the case may be, shall prevail to the extent of the inconsistency; or
- (b) between the market rules and this Act, this Act shall prevail to the extent of the inconsistency.

(3) Nothing in this Part shall be construed as conferring on the Market Company the exclusive right or privilege to operate any wholesale electricity market.

Functions and powers of Market Company

43.—(1) The functions of the Market Company are, subject to and in accordance with this Act, its electricity licence and the constituent documents —

- (a) to operate and administer any wholesale electricity market specified in its licence;
- (b) to schedule generating units, loads and the transmission system;
- (c) to facilitate the planning and augmentation of the transmission system;
- (d) to provide information and other services to facilitate decisions for investment and the use of resources in the electricity industry; and
- (e) to exercise and perform any other powers and duties assigned to the Market Company under this Act, its licence, the market rules and any code of practice.

(2) The Market Company may engage in any business, undertaking or activity incidental to the performance of its functions.

Approval of Minister

44.—(1) The approval in writing of the Minister is required for —

- (a) the disposal of the whole or substantially the whole of the Market Company’s undertaking or property;
- (b) the voluntary winding-up of the Market Company; and

- (c) the addition, deletion or alteration of any provision of the constituent documents.

(2) The requirement under subsection (1) shall be in addition to the requirements prescribed by the Companies Act (Cap. 50) in respect of the matters referred to in that subsection.

(3) Any act done or agreement made in contravention of subsection (1) shall have no effect and be unenforceable at law.

Liability of Market Company

45.—(1) No suit or other legal proceedings shall lie against any director, officer, employee or agent of the Market Company or any person acting under the direction of the Market Company for anything which is in good faith done or not done, in the execution or purported execution of the functions of the Market Company.

(2) Subsection (1) does not relieve the Market Company of any liability to which it would otherwise be subject in respect of a cause of action arising from any act or omission referred to in that subsection.

Market rules

46.—(1) The Authority shall make initial market rules —

- (a) establishing and governing, amongst other things —
 - (i) any wholesale electricity market; and
 - (ii) agreements and arrangements in connection with trading;
- (b) governing the activities of the Market Company and market participants in and in relation to any wholesale electricity market; and
- (c) governing the operation of the electricity system.

(2) Any subsequent modification to the initial market rules shall be made in accordance with subsection (3).

(3) The market rules made under this section, including rules modified in accordance with this subsection, may be modified by the Market Company in accordance with the market rules, by notice published in such manner as will secure adequate publicity.

(4) A modification to the market rules made by the Market Company under subsection (3) is subject to approval by the

Authority, which approval shall be granted unless the Authority determines that the modification —

- (a) unjustly discriminates in favour of or against a market participant or a class of market participants; or
- (b) is inconsistent with the functions and duties of the Authority under section 3 (3).

(5) The market rules shall be deemed not to be subsidiary legislation.

Penalties under market rules

47. Without limiting the generality of section 46 (1), the market rules may include provisions authorising and governing the imposition of financial penalties on market participants.

Limitation of actions under market rules

48.—(1) If the market rules include a provision —

- (a) that regulates the manner in which disputes under the market rules or referred to in the market rules are to or may be resolved; and
- (b) that restricts recourse to the courts until such time as the dispute resolution process in the market rules has been exhausted,

recourse to the courts shall be limited in the manner prescribed by the market rules, including a restriction against appeals to a court except in relation to matters of law and jurisdiction.

(2) Nothing in this section is to be read or construed as —

- (a) sanctioning the absolute limitation of appeals to the courts except in relation to matters of fact; or
- (b) limiting the right of any person to seek interim injunctive relief from the courts.

Market rules have force of contract

49.—(1) The market rules have the effect of a contract between each market participant and the Market Company.

(2) Each market participant and the Market Company shall be deemed to have entered into a contract with one another under which each market participant and the Market Company severally agree to

perform and observe the market rules as far as they are applicable to each market participant and the Market Company as provided for in the market rules.

PART VII

COMPETITION

Agreements, etc., preventing, restricting or distorting competition

50.—(1) Subject to section 52, agreements, decisions or concerted practices by persons which have as their object or effect the prevention, restriction or distortion of competition in any wholesale electricity market or the retail electricity market in Singapore are prohibited.

(2) Subsection (1) applies, in particular, to agreements, decisions or concerted practices which —

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions of electricity in Singapore;
- (b) limit or control generation of electricity, any wholesale electricity market, the retail electricity market, technical development or investment in the electricity industry in Singapore;
- (c) share markets or sources of supply of electricity in Singapore;
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts; or
- (f) provide for the acquisition, directly or indirectly, of shares in or the assets of an electricity licensee.

(3) Subsection (1) applies only if the agreement, decision or concerted practice is, or is intended to be, implemented in Singapore.

(4) Subject to section 52, an agreement or a decision which is prohibited by subsection (1) is void.

(5) Unless the context otherwise requires, a provision of this Part which is expressed to apply to, or in relation to, an agreement is to be read as applying, with any necessary modification, equally to, or in relation to, a decision by any person or a concerted practice.

(6) Subsection (1) applies to agreements, decisions and concerted practices implemented before, on or after the appointed day.

Abuse of dominant position

51.—(1) Subject to section 52, any conduct on the part of one or more persons which amounts to the abuse of a dominant position in any wholesale electricity market or the retail electricity market in Singapore is prohibited if it may affect trade within Singapore.

(2) Conduct may, in particular, constitute such an abuse if it consists of —

- (a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions of electricity in Singapore;
- (b) limiting generation of electricity, any wholesale electricity market, the retail electricity market or technical development in the electricity industry in Singapore to the prejudice of consumers;
- (c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage; or
- (d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of the contracts.

(3) For the purposes of this section, “dominant position” means a dominant position within Singapore.

Exemption

52.—(1) The Authority may, with the approval of the Minister, on the application of any person or on its own initiative, grant an exemption from section 50 (1) or 51 (1) to any agreement or conduct.

(2) An exemption under subsection (1) —

- (a) may be granted subject to such conditions or obligations as the Authority considers appropriate;

- (b) shall have effect for such period as the Authority considers appropriate; and
- (c) shall be in writing and sent by the Authority to the person to whom the exemption is granted.

(3) The Authority shall notify any applicant in writing of its decision under subsection (1) not to grant an exemption.

(4) An exemption under this section shall, unless previously revoked in accordance with the terms of such exemption, continue in force for such period as is specified in such exemption.

(5) The Authority may, with the approval of the Minister, on the application of any person or on its own initiative —

- (a) extend the period for which an exemption granted under subsection (1) has effect;
- (b) vary or remove any condition or obligation specified in an exemption; or
- (c) impose additional conditions or obligations in an exemption.

Request for Authority to examine agreement or to consider conduct, etc.

53. The Authority may, with the approval of the Minister, make regulations —

- (a) to provide for persons who are parties to any agreement or conduct to apply to the Authority for guidance as to whether or not the agreement or conduct is likely to infringe section 50 (1) or 51 (1);
- (b) to provide for the procedure for an application under paragraph (a);
- (c) to prescribe any decision which the Authority may make and the effect of the decision; and
- (d) generally for giving full effect to the objective of this Part.

Power to investigate

54. The Authority may conduct an investigation if there are reasonable grounds for suspecting that section 50 (1) or 51 (1) has been infringed.

Power when conducting investigation

55.—(1) For the purposes of an investigation under section 54, the Authority may, by notice in writing to any person, require that person to produce to the Authority a specified document, or to provide the Authority with specified information, which the Authority considers relates to any matter relevant to the investigation.

- (2) A notice under subsection (1) shall indicate —
 - (a) the subject matter and purpose of the investigation; and
 - (b) the nature of the offences created by sections 61, 62 and 63.
- (3) The Authority may also specify in the notice —
 - (a) the time and place at which any document is to be produced or any information is to be provided; and
 - (b) the manner and form in which it is to be produced or provided.

(4) The power under this section to require a person to produce a document includes the power —

- (a) if the document is produced —
 - (i) to take copies of it or extracts from it; and
 - (ii) to require such person, or any person who is a present or past officer of his, or is or was at any time employed by him, to provide an explanation of the document; or
 - (b) if the document is not produced, to require such person to state, to the best of his knowledge and belief, where it is.
- (5) For the purposes of subsection (1), “specified” means —
- (a) specified, or described, in the notice; or
 - (b) falling within a category which is specified, or described, in the notice.

Power to enter premises under warrant

56.—(1) The Authority may apply to a District Court for a warrant and the Court may issue such a warrant if it is satisfied that —

- (a) there are reasonable grounds for suspecting that there are on any premises documents the production of which has been required under section 55; or

- (b) there are reasonable grounds for suspecting that —
 - (i) there are on any premises documents which the Authority has power under section 55 to require to be produced; and
 - (ii) if the documents were required to be produced, they would not be produced but would be concealed, removed, tampered with or destroyed.

(2) A warrant under this section shall authorise a named officer of the Authority, and any other of its officers whom the Authority has authorised in writing to accompany the named officer —

- (a) to enter the premises specified in the warrant, using such force as is reasonably necessary for the purpose;
- (b) to search the premises and take copies of, or extracts from, any document appearing to be of a kind in respect of which the application under subsection (1) was granted (“the relevant kind”);
- (c) to take possession of any document appearing to be of the relevant kind if —
 - (i) such action appears to be necessary for preserving the document or preventing interference with it; or
 - (ii) it is not reasonably practicable to take copies of the document on the premises;
- (d) to take any other steps which appear to be necessary for the purpose mentioned in paragraph (c) (i);
- (e) to require any person to provide an explanation of any document appearing to be of the relevant kind or to state, to the best of his knowledge and belief, where it may be found; and
- (f) to require any information which is held in a computer and is accessible from the premises and which the named officer considers relates to any matter relevant to the investigation, to be produced in a form —
 - (i) in which it can be taken away; and
 - (ii) in which it is visible and legible.

(3) If, in the case of a warrant under subsection (1) (b), the District Court is satisfied that it is reasonable to suspect that there are also on the premises other documents relating to the investigation

concerned, the warrant shall also authorise the action mentioned in subsection (2) to be taken in relation to any such document.

(4) If there is no one at the premises when the named officer proposes to execute such a warrant he must, before executing it —

- (a) take such steps as are reasonable in all the circumstances to inform the occupier of the intended entry; and
- (b) if the occupier is informed, afford him or his legal or other representative a reasonable opportunity to be present when the warrant is executed.

(5) If the named officer is unable to inform the occupier of the intended entry he must, when executing the warrant, leave a copy of it in a prominent place on the premises.

(6) On leaving any premises which he has entered by virtue of a warrant under this section, the named officer must, if the premises are unoccupied or the occupier is temporarily absent, leave them as effectively secured as he found them.

(7) A warrant under this section continues in force until the end of the period of one month beginning from the day on which it is issued.

(8) Any document of which possession is taken under subsection (2) (c) may be retained for a period of 3 months.

(9) For the purposes of this section —

“named officer” means the officer named in the warrant;

“occupier”, in relation to any premises, means a person whom the named officer reasonably believes is the occupier of those premises.

Privileged communication

57. A person shall not be required, under any provision of this Part, to produce or disclose a communication —

- (a) between a professional legal adviser and his client; or
- (b) made in connection with, or in contemplation of, legal proceedings and for the purposes of those proceedings,

which in proceedings in a court would be protected from disclosure on grounds of privilege.

Decision following investigation

58. Where, following an investigation conducted under section 54, the Authority considers that section 50 (1) or 51 (1) has been infringed and the Authority proposes to make a direction under section 59, the Authority shall —

- (a) give written notice to the person likely to be affected by such direction; and
- (b) give such person an opportunity to make representations to the Authority.

Enforcement and appeal

59.—(1) Where the Authority has made a decision that section 50 (1) or 51 (1) has been infringed, the Authority may give directions to such person as the Authority considers appropriate to bring the infringement to an end.

(2) A direction referred to in subsection (1) may, in particular, include provisions —

- (a) where the decision is that any agreement infringes section 50 (1) —
 - (i) requiring the person to modify or terminate the agreement; and
 - (ii) in the case of an agreement referred to in section 50 (2) (f), requiring the person to dispose of all or any of the relevant shares or assets, otherwise than to an associated person, within a period specified in the direction, being not less than 3 months after service of the direction;
- (b) where the decision is that any conduct infringes section 51 (1) —
 - (i) requiring the person to modify the conduct in question; or
 - (ii) requiring the person to cease that conduct; and
- (c) in either case, requiring the person —
 - (i) to pay to the Authority a financial penalty in respect of the infringement of an amount not exceeding \$1 million or 10% of the annual turnover of such person's business in Singapore, ascertained from its latest audited accounts, whichever is the higher; and

- (ii) to provide a performance bond, guarantee or other form of security on such terms and conditions as the Authority may determine.

(3) Where a person fails to comply with a direction referred to in subsection (2) (a) (ii), the shares last registered in the name of that person or the assets, as the case may be, that are the subject of the acquisition and specified by the Authority by notice in writing served on the person, shall be forfeited to the Government.

(4) Any shares or assets forfeited to the Government under subsection (3) shall be sold by the Government as soon as practicable and the proceeds of sale, after deduction of the reasonable costs of the forfeiture and sale, shall be paid to the person from whom the shares or assets were forfeited.

(5) Any person who is aggrieved by any decision or direction of the Authority under this Part may, within 14 days after receipt of the notice referred to in section 60, appeal to the Appeal Panel under Part VIII.

(6) For the purposes of this section —

“associated person” has the same meaning as in section 76D (14) of the Companies Act (Cap. 50);

“relevant shares or assets” means any shares or assets of an electricity licensee held by the person that would need to be disposed of in order to cause the acquisition to cease to have the object or effect of preventing, restricting or distorting competition in any wholesale electricity market or the retail electricity market.

Notification

60. The Authority shall, within 14 days of the Authority making any decision or direction under this Part, notify any person affected by such decision or direction.

Offences

61.—(1) A person who fails to comply with a requirement imposed on him under section 55 or 56 shall be guilty of an offence.

(2) If a person is charged with an offence under subsection (1) in respect of a requirement to produce a document, it shall be a defence for him to prove that —

- (a) the document was not in his possession or under his control; and
- (b) it was not reasonably practicable for him to comply with the requirement.

(3) If a person is charged with an offence under subsection (1) in respect of a requirement —

- (a) to provide information;
- (b) to provide an explanation of a document; or
- (c) to state where a document is to be found,

it shall be a defence for him to prove that he had a reasonable excuse for failing to comply with the requirement.

(4) Failure to comply with a requirement imposed under section 55 is not an offence if the person imposing the requirement has failed to act in accordance with that section.

(5) Any person who intentionally obstructs an officer in the exercise of his powers under a warrant issued under section 56 shall be guilty of an offence.

Destroying or falsifying documents

62. Any person who, having been required to produce a document under section 55 or 56 —

- (a) intentionally or recklessly destroys or otherwise disposes of it, falsifies it or conceals it; or
- (b) causes or permits its destruction, disposal, falsification or concealment,

shall be guilty of an offence.

False or misleading information

63. Any person who provides information to the Authority or its authorised officer in connection with any function or duty of the Authority under this Part which is false or misleading in a material particular shall be guilty of an offence.

PART VIII
APPEAL PANEL

Request to establish Appeal Panel

64.—(1) This section applies to —

- (a) an electricity licensee who wishes to appeal against a decision of the Authority to modify any condition of its electricity licence; and
- (b) any person who is aggrieved by a direction or decision of the Authority under Part VII.

(2) A person to whom this section applies may, within 14 days —

- (a) of the receipt of a direction under section 12 (4) to modify any condition of an electricity licence; or
- (b) of the receipt of a notification by the Authority of a direction or decision under Part VII,

notify the Minister that he wishes to make an appeal, providing adequate details of the grounds for the appeal and requesting the Minister to establish an Appeal Panel under subsection (3).

(3) When requested to establish an Appeal Panel, the Minister shall, upon consultation with the Authority, unless the request is in the opinion of the Minister of a frivolous, trivial or vexatious nature, establish by direction, within 30 days of the request, an Appeal Panel to consider an appeal made under this section.

Composition and procedure of Appeal Panel

65.—(1) An Appeal Panel shall consist of at least 3 persons, one of whom shall be appointed by the Minister to be the chairman of the Appeal Panel.

(2) The Minister may, in the direction establishing the Appeal Panel under section 64 (3), provide for —

- (a) the terms and conditions of the membership of the Appeal Panel as the Minister considers appropriate;
- (b) the procedure to be adopted by the Appeal Panel in considering any matter referred to it; and
- (c) any other matters which the Minister considers incidental or expedient for the proper and efficient conduct of an appeal by the Appeal Panel.

(3) The remuneration and allowances, if any, of a member of an Appeal Panel shall be determined by the Minister and shall form part of the expenses of the Authority.

(4) An Appeal Panel shall be independent in the performance of its functions.

Powers of Appeal Panel

66.—(1) An Appeal Panel shall, by notice to the Authority and the appellant, specify the date on and the place at which the appeal shall be heard.

(2) An Appeal Panel shall have all the powers and duties of the Authority that are necessary to carry out its functions and duties under this Act.

(3) An Appeal Panel shall have the powers, rights and privileges vested in a District Court on the hearing of an action, including —

- (a) the enforcement of the attendance of witnesses and their examination on oath or otherwise; and
- (b) the compelling of the production of documents.

(4) A summons signed by any member of the Appeal Panel as may be authorised by the Appeal Panel shall be equivalent to any formal procedure capable of being issued in an action for enforcing the attendance of witnesses and compelling the production of documents.

(5) Where any person being duly summoned to attend before an Appeal Panel does not so attend, that person shall be guilty of an offence.

(6) A witness before an Appeal Panel shall be entitled to the same immunities and privileges as if he were a witness before a District Court.

(7) All appeals under this section shall be determined, having regard to the nature and complexity of the appeal, as soon as reasonably practicable.

(8) In the case of a modification of any condition of a licence, the Appeal Panel may either confirm the modification or direct the Authority not to make the modification, and the Appeal Panel's decision shall be final.

(9) In the case of a direction or decision of the Authority under Part VII, the Appeal Panel may either confirm, vary or reverse the direction or decision of the Authority or direct the Authority to reconsider the direction or decision, and the Appeal Panel's decision shall be final.

(10) The Appeal Panel shall notify the appellant of its decision in respect of his appeal and the reasons for its decision.

PART IX

ELECTRICAL AND SUPPLY INSTALLATIONS, CABLE DETECTION WORK AND ELECTRICAL WORKERS

Licence required for use or operation of electrical or supply installation, etc.

67.—(1) No person shall —

- (a) use, work or operate or permit to be used, worked or operated any electrical or supply installation; or
- (b) supply to or for the use of any other person electricity from any electrical or supply installation,

except under and in accordance with the terms of an electrical or supply installation licence granted by the Authority under this section authorising such use, work, operation or supply.

(2) An electrical or supply installation licence may be granted under this section on the payment of such fee, if any, as may be prescribed.

(3) An electrical or supply installation licence shall not be transferred without the approval of the Authority.

(4) An electrical or supply installation licence shall be subject to such conditions as may be prescribed and to such further conditions, if any, as may be imposed and endorsed on the licence by the Authority.

(5) An electrical or supply installation licence may be for such period as the Authority may approve.

(6) In every electrical or supply installation licence, there shall be specified as may be appropriate —

- (a) the installation area;
- (b) the declared voltage frequency and the variations permitted thereon; and
- (c) such other matters as the Authority may consider desirable.

(7) The Authority may, in its discretion, require that, before the grant of any electrical or supply installation licence, such security as it may specify shall be furnished to ensure the due observance of the terms and conditions of the licence and of the provisions of this Act.

(8) An electrical or supply installation licence may be surrendered by the licensee to the Authority for cancellation if the electrical or supply installation is no longer required to be used.

(9) Where the licensee wishes to operate the electrical or supply installation after the surrender of the licence, the installation shall be treated in all respects as if it were a new electrical or supply installation.

(10) Any electrical or supply installation licence issued under the Public Utilities Act (Cap. 261) in force immediately before the appointed day shall continue in force until suspended or revoked and shall be deemed to have been issued under this Act.

Notice to electricity licensee to cut off supply

68.—(1) Where any person operates an electrical or supply installation without an electrical or supply installation licence —

- (a) the Authority may by written notice direct any electricity licensee to forthwith discontinue the supply of electricity to that electrical or supply installation; and
- (b) the electricity licensee shall, upon receipt of the notice, immediately comply with the notice.

(2) Where the Authority has directed an electricity licensee to discontinue a supply of electricity under subsection (1), the licensee may discontinue the supply until all expenses incurred by the licensee are fully paid by the person operating the electrical or supply installation.

Supply lines and other apparatus on State land

69.—(1) Subject to the approval of the Commissioner of Lands and to such conditions as he may impose, an electrical or supply

installation licence may authorise the licensee to lay, place or carry on, under or over any State land to the extent and in the manner specified in the licence, such supply lines, and to erect and maintain in or on the State land such posts and other apparatuses as may, in the opinion of the Authority, be necessary or proper for the purposes of the electrical or supply installation.

(2) Any authorisation under subsection (1) may be given or added to at any time during the currency of the licence by endorsement thereon.

(3) All apparatuses placed in or upon any State land which is not removed therefrom within 6 months, or such longer period as the Commissioner of Lands may permit, after the expiration or earlier determination of the licence under the authority of which the apparatus was so placed, shall vest in and become the property of the Government.

Existing electrical or supply installation

70. All electrical and supply installations which have been operated or the construction of which has been completed or has begun on or before the appointed day shall be subject to this Act.

Exemption of certain electrical or supply installation

71. The Authority may, by notification in the *Gazette*, exempt from all or any of the provisions of this Part —

- (a) any electrical or supply installation owned and operated by an electricity licensee, the Government or any statutory authority;
- (b) any electrical or supply installation used exclusively for domestic purposes; and
- (c) such other electrical or supply installations as the Authority may consider desirable.

Control by electrical worker

72.—(1) A person granted an electrical or supply installation licence shall employ or appoint such class or classes of electrical workers as the Authority may direct to operate or to be in charge of or to control any electrical or supply installation and no other person shall operate or be in charge of or control the electrical or supply installation.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

Inspection of electrical or supply installation

73.—(1) A person granted an electrical or supply installation licence shall cause all electrical or supply installations owned or operated by him to be inspected at such intervals as the Authority may consider necessary.

(2) An inspection referred to in subsection (1) shall be carried out by such class or classes of electrical workers as the Authority may direct.

(3) On completion of the inspection, a certificate as to the fitness of the electrical or supply installation for licensing purposes shall be issued by the electrical worker who carried out the inspection.

Restriction of use to specified purpose

74.—(1) A person granted an electrical or supply installation licence who is, by the conditions of his licence, restricted to using or supplying electricity for specified purposes only, shall not use or supply electricity for any purpose other than those specified.

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

Procedure in case of defect in electrical or supply installation

75.—(1) Every electrical worker appointed to operate or to be in charge of or to control any electrical or supply installation and every person granted an electrical or supply installation licence who becomes aware of a defect in any electrical or supply installation shall forthwith make good or remove the defect or make a report thereon to the Authority.

(2) Where a report is made to the Authority under subsection (1), the Authority may by notice —

- (a) posted on the premises where the electrical or supply installation is installed or working; or

- (b) served on the person granted an electrical or supply installation licence or the electrical worker who is appointed to operate or to be in charge of or to control the electrical or supply installation, as the case may be,

require the defect to be made good or removed within such period as may be specified in the notice, and the electrical or supply installation shall not be operated or used after the expiration of that period unless the defect has been made good or removed to the satisfaction of the Authority.

(3) If the Authority is of the opinion that the defect is likely to cause immediate danger, the Authority may, by notice posted or served in the manner specified in subsection (2), forthwith suspend the operation and use of the electrical or supply installation until the defect is made good or removed, and the electrical or supply installation shall not be operated or used so long as the notice of suspension remains in force.

(4) The Authority shall not be liable for the loss or damage caused to any person —

- (a) by the suspension of the operation and use of any electrical or supply installation under this section; or
- (b) by the suspension or revocation of an electrical or supply installation licence under section 76.

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

Suspension and revocation of electrical or supply installation licence

76. An electrical or supply installation licence may at any time be suspended or revoked by the Authority —

- (a) on breach of any of the conditions of the licence or for non-compliance with any of the provisions of this Act;
- (b) in default of payment of any money due; or
- (c) if the licensee ceases to work or operate any electrical or supply installation in respect of which the licence was granted.

Entry upon premises

77.—(1) Subject to subsection (2), an authorised officer may, in the performance of his functions and duties under this Act, enter upon

any premises in or upon which any electrical or supply installation may be, at all reasonable hours of the day and at any time when the electrical or supply installation is in operation.

(2) The authorised officer seeking to enter any premises under subsection (1) shall carry and produce on demand an official identification card or badge in such form as the Authority may direct.

(3) No person shall be obliged to admit into his premises any person purporting to be an authorised officer except upon production of such identification card or badge.

Authority not liable for operation of electrical or supply installation

78. Notwithstanding the grant of an electrical or supply installation licence, the Authority shall not be responsible for the operation or maintenance of any electrical or supply installation or for any injury to any person or damage to anything by reason of operating or omitting to operate or maintaining or omitting to maintain any electrical or supply installation.

Cable detection work to be carried out before earthworks

79.—(1) Subject to subsection (2), no person other than an electricity licensee shall commence or carry out, or cause or permit the commencement or carrying out of, any earthworks within the vicinity of any low voltage electricity cable which belongs to or which is under the management or control of an electricity licensee unless the person has caused cable detection work to be carried out by a licensed cable detection worker.

(2) Nothing in subsection (1) shall prohibit a person from commencing or carrying out any earthworks where he has reasonable cause to believe that it is necessary to do so in the interest of public or private safety except that the person shall, not more than 7 days after the earthworks have been commenced or carried out, give to the electricity licensee notice in writing stating the nature and extent of those earthworks.

(3) No person other than a licensed cable detection worker or an electricity licensee shall commence or carry out any cable detection work within the vicinity of any low voltage electricity cable belonging to or under the management or control of the licensee where such cable detection work is commenced or carried out in connection or

combination with or in relation to any earthworks carried out or to be carried out.

(4) Any person who contravenes subsection (1) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

Carrying out of earthworks within vicinity of high voltage electricity cable

80.—(1) Subject to this section, no person other than an electricity licensee shall commence or carry out, or cause or permit the commencement or carrying out of, any earthworks within the vicinity of any high voltage electricity cable which belongs to or which is under the management or control of an electricity licensee unless the person —

- (a) has given to the electricity licensee not less than 7 days' notice in writing of the date on which it is proposed to commence the earthworks;
- (b) has obtained from the electricity licensee the necessary information on the location of such high voltage electricity cable and has consulted the electricity licensee on the steps to be taken to prevent the high voltage electricity cable from damage while the earthworks are being carried out; and
- (c) has caused cable detection work to be carried out by a licensed cable detection work in order to confirm the location of the high voltage electricity cable.

(2) No person other than a licensed cable detection worker shall commence or carry out any cable detection work within the vicinity of any high voltage electricity cable which belongs to or which is under the management or control of an electricity licensee.

(3) The Authority may, if it thinks fit, modify the period for which a notice under subsection (1) (a) is to be given to an electricity licensee.

(4) It shall be the duty of the person who carries out any earthworks referred to in subsection (1) —

- (a) to comply with all reasonable requirements of the electricity licensee for the prevention of damage to the high voltage electricity cable;

- (b) to ensure that reasonable precautions are taken when carrying out such earthworks to prevent any damage to the high voltage electricity cable; and
- (c) to allow the electricity licensee reasonable access to the work site for the purpose of inspecting or taking any necessary measures to protect the high voltage electricity cable.

(5) It shall be the duty of the electricity licensee to whom a notice under subsection (1) (a) has been given —

- (a) to promptly inform the person who has given him the notice of the location of the high voltage electricity cable and to provide the person with any other information as may be necessary to enable him to ascertain the exact location of the high voltage electricity cable;
- (b) to advise the person who has given him the notice on the precautions to be taken to prevent damage to the high voltage electricity cable; and
- (c) to take all such measures at the work site as may be reasonable and necessary for the protection of the high voltage electricity cable from damage and, in so doing, the electricity licensee shall have regard to the potential risks and dangers that can arise from any damage to the high voltage electricity cable.

(6) Nothing in subsection (1) shall prohibit a person from commencing or carrying out any earthworks where he has reasonable cause to believe that it is necessary to do so in the interest of public or private safety except that the person shall, not more than 7 days after the earthworks have been commenced or carried out, give to the electricity licensee notice in writing stating the nature and extent of those earthworks.

(7) Any person who contravenes subsection (1) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

(8) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(9) Subject to subsection (10), in any proceedings for an offence under subsection (7), it shall be a defence for the person charged to prove —

- (a) that he took all reasonable steps to discharge his duty under subsection (1) or (4), as the case may be; or
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(10) If in any proceedings for an offence under subsection (7), the defence involves acting on information supplied by an electricity licensee or a licensed cable detection worker, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within 14 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of the person who supplied him with the information.

Powers of Authority in relation to cable detection work

81.—(1) The Authority may —

- (a) grant a cable detection work licence permitting a person to perform such cable detection work as is specified in the licence and suspend, cancel, alter, extend, renew or replace any such licence;
- (b) classify any cable detection work licence in such manner as it may determine;
- (c) specify the nature of the cable detection work in respect of which a cable detection work licence is granted and restrict such work to any type or class of cable detection work;
- (d) specify the circumstances or manner in which licensed cable detection workers may perform or carry out cable detection work;
- (e) impose any terms, conditions or restrictions on any cable detection work licence;
- (f) require any electricity licensee to conduct approved courses of training, including refresher courses, and provide for examinations for cable detection workers; and
- (g) keep a register of licensed cable detection workers.

(2) No person other than a licensed cable detection worker shall be entitled to recover in any court any charge, fee or remuneration for any cable detection work carried out by the person.

(3) Any cable detection work licence issued under the Public Utilities Act (Cap. 261) in force immediately before the appointed day shall, so far as it is not inconsistent with this Act, continue in force until suspended or revoked and shall be deemed to have been issued under this Act.

Licensing of electrical worker

82.—(1) Subject to subsection (2), no person shall —

- (a) carry out or caused to be carried out any electrical work, unless he holds a valid electrical worker licence;
- (b) advertise or otherwise holds himself out as an electrical worker, or as a licensed electrical worker, or as a person competent or qualified by any written law to perform or carry out electrical work, unless he holds a valid electrical worker licence; or
- (c) engage knowingly any person who is not a licensed electrical worker to carry out any electrical work.

(2) The Authority may —

- (a) issue an electrical worker licence permitting a person to carry out such electrical work as is specified in the licence and suspend, cancel, alter, extend, renew or replace any such licence;
- (b) classify any electrical worker licence in such manner as it may determine;
- (c) specify the nature of the electrical work in respect of which an electrical worker licence is issued and restrict such work to any type or class of electrical work or any type or class of electrical installation;
- (d) specify the circumstances or manner in which licensed electrical workers may carry out electrical work; or
- (e) attach any exemption to or impose any term, condition or restriction on any electrical worker licence.

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

(4) Notwithstanding any provision in this section, but subject to any other written law, it shall not be unlawful for —

- (a) a person to replace any lamp that is connected in his own electrical installation;
- (b) a person to replace any fuse in his own electrical installation similar to that of a household;
- (c) an officer or employee of the Authority to carry out personally any electrical work in the course of his employment or in the discharge of his duties as such officer or employee;
- (d) the Authority to do any act or thing on or in connection with its own electrical installation;
- (e) a person, other than an electrical worker, whose trade or occupation normally includes the performance of work on any appliance, plant or machinery driven, or operated by, or incorporating any electrical installation, to carry out that work in the normal course of his trade or occupation or for purposes incidental thereto, so long as he does not carry out work on any part or circuit which is, or may be, connected to a source of electricity supply; and
- (f) a trained person to carry out any work in accordance with the written instructions of the licensed electrical worker in charge of the relevant electrical installation.

(5) For the purpose of subsection (4) (f), a “trained person” means any employee who is —

- (a) recognised by his employer and the licensed electrical worker in charge of the relevant electrical installation to have the necessary knowledge and experience to avoid danger; and
- (b) capable of carrying out the work specified in the written instructions of the licensed electrical worker.

(6) Any electrical worker licence issued under the Electrical Workers and Contractors Licensing Act (Cap. 89), in force immediately before the appointed day shall, so far as it is not inconsistent with this Act, continue in force until suspended or revoked and shall be deemed to have been issued under this Act.

PART X

OFFENCES

Offences relating to electrical or supply installations

83.—(1) Any person who supplies electricity to any premises without an electrical or supply installation licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) Any person who wilfully tampers with or adjusts any electrical or supply installation or any part thereof so as to cause or to be likely to cause danger to human life or damage to any property shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 5 years.

(3) Any person who, by rash or negligent act or omission committed or omitted in respect of any electrical or supply installation or any part thereof under his control, causes hurt to any person or damage to any property shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(4) Any person who contravenes section 67 (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

(5) Any licensee of a supply installation who without express authority from the Authority supplies electricity or lays down any supply line or constructs any electrical works outside the installation area specified in his licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both, and any such unauthorised line or works may be removed by order of the Authority, and the reasonable cost of such removal may be recovered from the licensee.

(6) Any licensee of an electrical or supply installation who, without lawful excuse, fails to comply with any condition in his licence shall be guilty of an offence.

Restoration of supply without consent

84. Any person who, without the consent of an electricity licensee, restores a supply of electricity to any premises where such supply has been discontinued by the electricity licensee in the exercise of its powers under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

Damage to property of electricity licensee

85.—(1) Any person who wilfully removes, destroys or damages any electrical plant or electricity cable in the transmission network belonging to or under the management or control of an electricity licensee or hinders or prevents the electrical plant or electricity cable from being used or operated in the manner in which it is intended to be used or operated shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

(2) Notwithstanding subsection (1), any person who, in the course of carrying out any earthworks, damages or suffers to be damaged any high voltage electricity cable in the transmission network belonging to or under the management or control of an electricity licensee shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million or to imprisonment for a term not exceeding 5 years or to both.

(3) Where an offence under subsection (2) is committed by any person acting as the agent or servant of another person, or being otherwise subject to the supervision or instructions of another person for the purposes of any employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the first-mentioned person, be liable under that subsection in the same manner and to the same extent as if he had personally committed the offence unless he proves to the satisfaction of the court that the offence was committed without his consent or connivance or that it was not attributable to any neglect on his part.

(4) Any person may apprehend any other person if the other person within his view commits an offence under this section and shall, on such apprehension without unreasonable delay, hand over the person so apprehended to a police officer.

(5) In any proceedings for an offence under subsection (2), it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(6) If in any proceedings for an offence under subsection (2), the defence involves acting on information supplied by a licensed cable detection worker, the person charged shall not, without leave of the court, be entitled to rely on that defence unless he has, within 14 clear days before the hearing, served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of the licensed cable detection worker.

Falsely pretending to be employee of Authority or electricity licensee

86. Any person who seeks to obtain entry to any premises by falsely pretending to be an employee of the Authority or an electricity licensee shall be guilty of an offence.

Unauthorised use of electricity

87.—(1) Any person who —

- (a) dishonestly or fraudulently abstracts, uses or consumes, or dishonestly or fraudulently diverts or causes to be diverted, any electricity supplied by an electricity licensee; or
- (b) alters or tampers with any meter supplied by an electricity licensee,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

(2) Where any person is prosecuted for an offence under subsection (1) (b) —

- (a) the possession by him of any device for altering the index of any meter or for preventing any meter from duly registering the quantity of electricity supplied by an electricity licensee;

- (b) the existence of any hole on the meter cover of any meter supplied by an electricity licensee;
- (c) the existence of any damage to, removal of or change to the chemical composition of any paint or other chemical compound applied by an electricity licensee over any screw, or other component or mechanism of any meter; or
- (d) the existence of any damage to the seal which is fastened to the outer cover of any meter to ensure that the cover is not removed, opened, dislodged or otherwise tampered with,

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

Obstructing licensee in performance of duties

88. Any person who at any time molests, or without cause, hinders or obstructs, any employee, agent or contractor of an electricity licensee in the performance of his duties or anything which he is respectively authorised, empowered or required to do under this Act shall be guilty of an offence.

Making of false statements

89.—(1) Any person who, when giving information to the Authority or making any application under or for the purposes of any provision of this Act, makes any statement which he knows to be false in a material particular, or who recklessly makes any statement which is false in a material particular, shall be guilty of an offence.

(2) Any person who —

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

shall be guilty of an offence.

Jurisdiction of court

90. Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court and a Magistrate's Court

shall have jurisdiction to try any offence under this Act and to impose the full penalty or punishment in respect of any such offence.

Offences by body corporate

91. Where an offence under this Act has been committed by a company, firm, society or other body of persons, any person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer or a partner of the company, firm, society or other body of persons or was purporting to act in any such capacity, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless he proves that —

- (a) the offence was committed without his consent or connivance; and
- (b) he had exercised all such due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

General penalties

92. Any person guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

Composition of offences

93.—(1) The Authority may, in its discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$3,000.

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

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

PART XI
MISCELLANEOUS

Serious accidents to be reported and investigated

94.—(1) When any accident causing or resulting in loss of life or hurt to any person or serious damage to property has occurred in connection with any electrical or supply installation, or any other installation, the owner of the premises concerned and the person granted a licence under Part IX for the installation shall —

- (a) report the accident to the Authority by the quickest means available; and
- (b) subsequently with the least possible delay, report in writing to the Authority the facts of the matter so far as the facts are known.

(2) Any authorised officer shall as soon as practicable after receipt of the first report —

- (a) visit the place where the accident occurred;
- (b) make a preliminary investigation of the circumstances;
- (c) record in writing his findings upon such investigation;
- (d) forward his report to the Authority; and
- (e) if there has been any loss of life or there is reason to believe that any person has been seriously injured, send a copy of his findings to the Public Prosecutor.

(3) In the event of loss of life or grievous hurt to any person due to any accident arising from the use or operation of or caused by any electrical or supply installation or other installation, no alteration or addition shall, without the approval of the Authority, be made to any part of the installation which may have contributed towards the cause of the accident or to the site of the accident until investigations have been completed.

(4) Nothing in subsection (3) shall operate to interfere with rescue work or other work necessary for the general safety of life or property.

(5) If upon a preliminary investigation under subsection (2) (b) —

- (a) it appears to the Authority that there is reason to believe that the accident was due to any failure to comply with the

provisions of this Act or due to neglect to obey any lawful order given by the Authority; or

- (b) the authorised officer investigating the accident is satisfied that the accident might have been prevented if proper precautions had been taken and observed in the operation or working of the electrical or supply installation or other installation,

the Authority shall hold an inquiry into the nature and cause of the accident with the assistance, if considered necessary by the Authority, of one or more persons of electrical or other special skill or experience to be nominated by the Authority as assessors.

(6) At the conclusion of the inquiry held under subsection (5), a copy of the findings taken at the inquiry together with the opinion of the Authority shall be forwarded to the Public Prosecutor.

(7) Any person who, without lawful excuse, contravenes subsection (1) or (3) shall be guilty of an offence.

Power to administer oaths, etc.

95. For the purpose of holding any inquiry under this Act, any authorised officer shall have power to administer oaths and affirmations and shall be vested with the powers of a Magistrate for compelling the attendance of witnesses, maintaining order and otherwise conducting the inquiry, and any person summoned to attend any such inquiry shall be legally bound so to attend.

Powers of arrest

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

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

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

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

General exemption

97. The Authority may, with the approval of the Minister, either permanently or for such period as it thinks fit, exempt any person or persons or any class of persons or premises from all or any provision of this Act other than Parts III and VI.

Appeal to Minister

98.—(1) An electricity licensee or other person aggrieved by any decision of the Authority in the exercise of any discretion vested in it by or under this Act may, except for section 26 (1) or 31 (12) or where provision is made under this Act for an appeal to be made to an Appeal Panel, appeal to the Minister.

(2) Unless otherwise provided, where an appeal is lodged under this section, the decision, direction or other thing appealed against shall be complied with until such time as the Minister determines the appeal.

(3) The Minister may determine an appeal under this section by confirming, varying or reversing any decision or direction of the Authority or by amending any code of practice approved by the Authority.

(4) The decision of the Minister shall be final.

Service of documents

99.—(1) Any notice, order or document required or authorised by this Act to be given or served on any person, and any summons issued by a court in connection with any offence under this Act may be served on the person —

- (a) by delivering it to him or to some adult member or employee of his family at his last known place of residence;
- (b) by leaving it at his usual or last known place of residence or business in an envelope addressed to him;
- (c) by affixing it to some conspicuous part of his last known place of residence;

- (d) by sending it by registered post addressed to him at his usual or last known place of residence or business; or
- (e) where the person to be served is a body corporate —
 - (i) by delivering it to the secretary or other like officer of the body corporate at its registered or principal office; or
 - (ii) by sending it by registered post addressed to the body corporate at its registered or principal office.

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

Recovery of fees and penalties

100. Any fee or financial penalty to be paid to the Authority under this Act may be recovered by it in any court of competent jurisdiction as if it were a simple contract debt.

Keeping of register

101.—(1) The Authority shall, at such location and in such form as it may determine, maintain a register for the purposes of this Act.

(2) Subject to any direction under subsection (3), the Authority shall cause to be entered in the register —

- (a) the provisions of every licence or exemption granted to any person under Part III and the details of every licence or exemption revoked;
- (b) the details of any modification to the conditions of an electricity licence; and
- (c) any other matters as the Authority thinks fit.

(3) If it appears to the Minister that the entry of any provision or detail in the register would be against the public interest, he may direct the Authority not to make the entry in the register.

(4) The register shall be available for inspection by the public during such hours and subject to the payment of such fee as may be specified by the Authority.

Effect of direction

102.—(1) The obligation to comply with any direction made by the Authority is a duty owed to any person who may be affected by a contravention of it.

(2) Where a duty is owed by virtue of subsection (1) to any person, any breach of the duty which causes that person to sustain loss or damage shall be actionable at the suit or instance of that person.

(3) In any proceedings brought against any person under subsection (2), it shall be a defence for him to prove that he took all reasonable steps and exercised all due diligence to avoid contravening the relevant direction.

(4) Without prejudice to any right which any person may have under subsection (2) to bring civil proceedings in respect of any contravention of any relevant direction, compliance with any such direction shall be enforceable by civil proceedings by the Authority for an injunction or for any other appropriate relief.

Regulations

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

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

- (a) the prescribing of purposes for which the supply of electricity may be used;
- (b) the prevention and suppression of pollution, contamination, waste, misuse or use of electricity;
- (c) the prevention of misuse of, or damage to, apparatus and works belonging to a licensee in connection with the generation, transmission or supply of electricity;

- (d) the regulation and use of electricity meters and the prohibition of interference with, or damage to such meters or seals affixed thereto;
- (e) the prohibition of interference with, or damage to, electric appliances supplied by a licensee and plates or marks thereon;
- (f) the regulation of the installation of electrical installations and alterations thereto and the submission of plans and specifications in respect thereof;
- (g) the prescribing of materials of which conduits, pipes, cables and other apparatus and fittings for use in connection with the supply of electricity shall be made, and of the size, shape, fitting, arrangement, connection, workmanship, examination, testing, position and method of cleaning them;
- (h) the prescribing of the types of electric appliances to be used and the prohibition of the use of certain types thereof;
- (i) the regulation of the installation of electric appliances and the removal or transfer thereof;
- (j) the prescribing of the methods of charging consumers for electricity in the event of any meter becoming out of order;
- (k) the prescribing of terms and conditions applicable to a contract between the market support services licensee and consumer;
- (l) in relation to cable detection work licences —
 - (i) the class or classes of the licences, the form and duration of such licences, the terms and conditions upon and the circumstances in which such licences may be granted, held, suspended, cancelled, altered, extended, renewed or replaced and the fees payable in respect thereof;
 - (ii) the qualifications and other requirements to be satisfied by applicants for such licences, the examination or testing of such applicants, the fees payable in respect of such examination or testing and the circumstances in and conditions on which such applicants may be exempted from such examination or testing; and
 - (iii) the duties and responsibilities of licensed cable detection workers;

(*m*) in relation to electrical or supply installations —

- (i) the intervals, times and manner at or in which any electrical or supply installation shall be inspected, the notice (if any) to be given in relation to inspections and the preparations to be made by the licensees of such installations and the management for such inspections;
- (ii) the control of standards for electrical machinery, electric lines, wiring, fittings, accessories, appliances, consuming devices, control and protective gears associated with the generation, transmission, distribution and application of energy and the manner in which such machines, lines, wiring, fittings and apparatus shall be erected, fixed, protected, inspected, tested and maintained;
- (iii) the approval and control of electrical apparatuses, appliances, equipment and materials with the object of securing their safety in service and the prohibition of the use, sale or hire of all electrical apparatuses, appliances, equipment and materials which are in the opinion of the Authority unsafe;
- (iv) the fees to be paid for electrical or supply installation licences and any other fees which are required to be prescribed;
- (v) the forms and contents of, and the conditions to be prescribed in electrical or supply installation licences and the conditions for suspension, extension and revocation of such licences and the manner in which applications for such licences shall be made;
- (vi) the manner of holding inquiries under section 94 (5); and
- (vii) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any nuisance or pollution likely to arise or arising from the working of any electrical or supply installation or apparatus;

(*n*) in relation to electrical worker licences —

- (i) the class or classes of the licences, the form and duration of such licences, the terms and conditions

upon and the circumstances in which such licences may be granted, held, suspended, cancelled, altered, extended, renewed or replaced and the fees payable in respect thereof;

- (ii) the qualifications and other requirements to be satisfied by applicants for such licences, the examination or testing of such applicants, the fees payable in respect of such examination or testing and the circumstances in and conditions on which such applicants may be exempted from such examination or testing; and
- (iii) the register to be kept of all electrical worker licences issued under this Act, the particulars to be entered in the register and the publication of the names of licensees;
- (o) the protection of the public from dangers arising from the generation, transmission or supply of electricity, from the use of electricity supplied from the installation, maintenance or use of any electric line or electrical plant; and the elimination or reduction of risks of personal injury, or damage to property or interference with its use arising therefrom;
- (p) the prohibition of the supply or transmission of electricity except by means of a system approved by the Authority;
- (q) the prescribing of the form of notice to be given to the Authority of accidents and of failures of the supply or transmission of electricity; and
- (r) the prescribing of fees and charges and their method of payment for the purposes of this Act.

(3) The Authority may in making any regulations provide that any person who contravenes the regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

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

Repeal

104.—(1) The Electrical Workers and Contractors Licensing Act (Cap. 89) is repealed.

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

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

Consequential amendments to other written law

105.—(1) Paragraph 7 of Part I of the First Schedule to the Criminal Law (Temporary Provisions) Act (Cap. 67) is deleted and the following paragraph substituted therefor:

“7. Electricity service and undertakings, including meter reading and billing, provided by any electricity licensee licensed under the Electricity Act 2001.”.

(2) In any written law, a reference to “public electricity licensee” shall be construed as a reference to an “electricity licensee” under this Act.

(3) The Electrical Workers and Contractors Licensing Act (Cap. 89) and any subsidiary legislation made thereunder shall be administered by the Energy Market Authority of Singapore, and any references to the Board in that Act and its subsidiary legislation shall be read as references to that Authority.
