

# Electricity (Amendment) Bill

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**Bill No. 35/2018.**

*Read the first time on 10 September 2018.*

A BILL

*intituled*

An Act to amend the Electricity Act (Chapter 89A of the 2002 Revised Edition).

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

## Short title and commencement

1. This Act is the Electricity (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 2

2. Section 2 of the Electricity Act is amended —

(a) by deleting the words “section 64(3) or 98(2)” in the definition of “Appeal Panel” and substituting the words “section 65”;

10 (b) by deleting paragraph (a) of the definition of “earthworks” and substituting the following paragraphs:

“(a) any act of excavating earth, rock or other material (by whatever means);

15 (aa) any act done on, in or under the ground 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 sewerage works;

20 (ii) any work for or relating to the laying, inspecting, repairing or renewing of any main, pipe, cable, fitting or other apparatus;

25 (iii) any soil investigation work; or

30 (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;”;

- (c) by deleting the words “earth rod” in paragraph (c) of the definition of “earthworks” and substituting the words “bar, rod, pole, picket”;
- (d) by deleting paragraph (a) of the definition of “electrical installation” and substituting the following paragraph: 5
- “(a) any electric line, supply line or electrical plant —
- (i) of a transmission licensee for the transmission of electricity; or
- (ii) of a generation licensee for the 10  
generation of electricity;”;
- (e) by deleting the definition of “electricity cable” and substituting the following definition:
- ““electricity cable” means a length of insulated single conductor or of 2 or more such 15  
conductors, whether or not the conductor or conductors are provided with an overall covering for mechanical protection, and —
- (a) all other apparatus or devices 20  
connected to the conductor or conductors, as the case may be (including by any remote or wireless means); and
- (b) any data communication cable used to 25  
monitor or control the transmission of electricity;”;
- (f) by inserting, immediately after the definition of “market support services licensee”, the following definitions:
- ““meter” means any device for measuring the flow 30  
of electricity;

“meter installation” means any meter and, if so equipped, its associated equipment, apparatus, device and installation, including any self-contained meter transformers, wiring, seal, meter test terminal block, test links, fuses, lamps, data recorders, circuit breakers, and communication modems required to provide remote access to the metered data so that readings from the meter can be taken;”;  
and

(g) by deleting the words “by a transmission licensee” in the definition of “transmission system”.

### **Amendment of section 6**

3. Section 6(1) of the Electricity Act is amended —

(a) by deleting the word “or” at the end paragraph (f); and

(b) by deleting the comma at the end of paragraph (g) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(h) carry on such other activity relating to electricity as the Minister may, by order in the *Gazette*, specify.”.

### **Amendment of section 9**

4. Section 9(1) of the Electricity Act is amended —

(a) by deleting the word “or” at the end of paragraph (f); and

(b) by deleting the full-stop at the end of paragraph (g) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(h) for the purpose mentioned in paragraph (h) of section 6(1), carry on such activity relating to electricity as may be specified in any order made under that paragraph.”.

### **Amendment of section 10**

5. Section 10 of the Electricity Act is amended by inserting, immediately after the words “for the purpose of allowing the consumer”, the words “(if the consumer remains a contestable consumer under section 41(1))”.

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### **New section 20A**

6. The Electricity Act is amended by inserting, immediately after section 20, the following section:

#### **“Connections to electrical plants**

**20A.**—(1) The Authority may direct any electricity licensee (*E*) to allow a transmission licensee to connect any electrical plant or electric line of the transmission licensee, to any of *E*’s electrical plants, if the Authority considers the connection necessary —

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(a) in the public interest; or

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(b) to ensure the security and reliability of the supply of electricity to the public.

(2) For the purpose of subsection (1), the direction may —

(a) require *E* to allow the transmission licensee to enter the premises of *E* for the purposes of making and maintaining the connection, and not to do or suffer to be done anything which may prevent the transmission licensee from making and maintaining the connection; and

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(b) require *E* and the transmission licensee to enter into an agreement after the connection under paragraph (a) has been made, within the time specified in the direction, for the purpose of maintaining the connection and reasonably compensating *E* for any loss suffered as a result of the connection,

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and *E* and the transmission licensee must comply with a direction under subsection (1) to the extent that it relates to either of them.

(3) If *E* and the transmission licensee are unable to agree on the terms for any matter so as to be able to enter into an agreement in accordance with a requirement under subsection (2)(*b*), either *E* or the transmission licensee may request the Minister to establish an Appeal Panel under section 65 to determine the reasonable terms for that matter.

(4) The decision of the Appeal Panel under subsection (3) must include a date on which *E* and the transmission licensee are treated as having entered into an agreement comprising —

(*a*) (if any) the terms agreed between *E* and the transmission licensee; and

(*b*) the terms determined by the Appeal Panel,

and *E* and the transmission licensee are treated as having entered into an agreement with each other as from that date on all such terms.

(5) The direction of the Authority under subsection (1) is revoked as from the date mentioned in the Appeal Panel's decision under subsection (4) to the extent the decision is inconsistent with that direction.

(6) Nothing in subsection (4) prevents *E* and the transmission licensee from varying or terminating the agreement treated as entered into under that subsection.”.

### **Amendment of section 28**

7. Section 28(1) of the Electricity Act is amended by inserting, immediately after the words “in force,” the words “all or any of”.

### **Amendment of section 29**

8. Section 29(7) of the Electricity Act is amended by inserting, immediately after the word “licensee” in paragraph (*b*), the words “without the consent of the Authority”.

### **Amendment of section 30A**

**9.** Section 30A of the Electricity Act is amended —

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

““arrangement” includes any formal or informal scheme, arrangement or understanding, and any trust whether express or implied;” 5

(b) by deleting the words “Authority, by notification in the *Gazette*,” in the definition of “designated business trust” and substituting the word “Minister”; and 10

(c) by deleting the definitions of “designated electricity licensee” and “designated entity” and substituting the following definitions:

““designated electricity licensee” means any of the following: 15

(a) a transmission licensee;

(b) a transmission agent licensee;

(c) any other electricity licensee declared by the Minister to be a designated electricity licensee for the purposes of this Part; 20

“designated entity” means an entity, not being an electricity licensee, that —

(a) owns a transmission system (or any part of the system); and 25

(b) is declared by the Minister to be a designated entity for the purposes of this Part;”.

### **Amendment of section 30B**

**10.** Section 30B of the Electricity Act is amended — 30

(a) by inserting, immediately after subsection (1), the following subsection:

“(1A) The notice under subsection (1) must be given within 5 days after the designated electricity licensee, the designated entity or the trustee-manager of the designated business trust (as the case may be) becomes aware of the acquisition mentioned in that subsection.”;

(b) by inserting, immediately after the word “business” in subsection (3)(a) and (b), the words “, or any part of the business,”;

(c) by deleting the word “or” at the end of subsection (3)(a);

(d) by deleting the comma at the end of paragraph (b) of subsection (3) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(c) the business, or any part of the business, of a designated business trust relating to a transmission system or any part of a transmission system in respect of which, wholly or in part, the business trust is established,”;

(e) by deleting the words “or entity” in subsection (3) and substituting the words “, the entity or the trustee-manager of the business trust”;

(f) by deleting subsection (6) and substituting the following subsections:

“(6) Any approval by the Authority under this section may be granted subject to such conditions as the Authority may determine, including but not limited to any condition —

(a) restricting the disposal or further acquisition of equity interests or voting power in the designated electricity licensee, designated entity or designated business trust; or



(b) restricting the exercise of voting power in the designated electricity licensee, designated entity or designated business trust.

(6A) The Authority may at any time add to, vary or revoke any condition imposed under this section.”; and

(g) by inserting, immediately after the word “person” in the definition of “12% controller” in subsection (9), the words “, not being a 30% controller,”.

### **Amendment of section 30C**

**11.** Section 30C of the Electricity Act is amended —

(a) by inserting, immediately after the word “regulations” in subsection (1), the words “under section 103”;

(b) by inserting the word “and” at the end of subsection (2)(d); and

(c) by deleting paragraphs (e) and (f) of subsection (2) and substituting the following paragraph:

“(e) the manner in which any notice or application under section 30B must be given or made, and the person or persons who are required to give the notice or make the application.”.

### **New section 30CA**

**12.** The Electricity Act is amended by inserting, immediately after section 30C, the following section:

#### **“Power to exempt**

**30CA.** The Authority may, by order in the *Gazette*, exempt —

(a) any person or class of persons; or

(b) any class or description of equity interests, from section 30B(1), (2) or (3), subject to such conditions as may be specified in the order.”.

### **Amendment of section 30D**

5     **13.** Section 30D of the Electricity Act is amended —

(a) by deleting paragraph (b) of subsection (1) and substituting the following paragraphs:

10             “(b) in the case of a person who has obtained the Authority’s approval under section 30B(2) or who has been exempted from section 30B(2) under section 30CA —

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

15             (ii) having regard to the person’s likely influence —

20                     (A) the designated electricity licensee or designated entity, as the case may be, is not, or is no longer, likely to conduct its business prudently or to comply with the provisions of this Act; or

25                     (B) the trustee-manager of the designated business trust is not, or is no longer, likely to conduct the business of the business trust prudently or to comply with the provisions of this Act; or

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

- (*ba*) in the case of a person who has obtained the Authority’s approval under section 30B(3) or who has been exempted from section 30B(3) under section 30CA, and who has acquired as a going concern a business mentioned in section 30B(3) — 5
- (i) the person is not or ceases to be a fit and proper person; or
  - (ii) it is not, or is no longer, in the public interest to allow the person to continue to own or manage that business;” 10
- (*b*) by deleting the word “or” at the end of subsection (1)(*c*);
- (*c*) by deleting the full-stop at the end of paragraph (*d*) of subsection (1) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph: 15
- “(e) any condition imposed on the person under section 30B or 30CA has not been complied with.”;
- (*d*) by deleting subsection (2) and substituting the following subsection: 20
- “(2) Where the person is a 12% controller, a 30% controller or an indirect controller of a designated electricity licensee, designated entity or designated business trust, the Authority may, by notice in writing — 25
- (*a*) direct the person to take such steps as are necessary, within such period as may be specified by the Authority, to ensure that the person ceases to be a 12% controller, a 30% controller or an indirect controller of the licensee, entity or business trust; 30

(b) direct the person or any of the person's associates to transfer or dispose of all or any of the equity interests in the licensee, entity or business trust held by the person or the person's associate (called in this section and section 30E the specified equity interests) within such time and subject to such conditions as the Authority considers appropriate;

(c) restrict the transfer or disposal of the specified equity interests; or

(d) make such other direction as the Authority considers appropriate.”; and

(e) by deleting the word “or” at the end of paragraph (a) of subsection (3), and by inserting immediately thereafter the following paragraph:

“(aa) restrict the transfer or disposal of the business or any part of the business; or”.

### **Amendment of section 30E**

**14.** Section 30E(2) of the Electricity Act is amended by deleting the words “section 30D(2)(a) or (b)” and substituting the words “section 30D(2)(b) or (c)”.

### **Amendment of section 41**

**15.** Section 41 of the Electricity Act is amended —

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

“(1) The Authority may, with the approval of the Minister, make regulations prescribing the circumstances in which a consumer becomes, or ceases to be, a contestable consumer (including upon the grant of an application made by the consumer to be or to cease to be such).”; and

- (b) by inserting, immediately after the words “a market support services licensee shall” in subsection (10), the words “(if the contestable consumer remains as such under this section)”.

### **New section 53A**

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**16.** The Electricity Act is amended by inserting, immediately after section 53, the following section:

#### **“Guidelines**

**53A.**—(1) The Authority may issue guidelines with a view to providing practical guidance or certainty in respect of any one or more of the provisions in this Part.

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(2) The Authority may consult with such person as the Authority thinks fit for the purpose of preparing any guidelines under subsection (1).

(3) Where, in any administrative proceedings commenced in connection with this Part, any provision in this Part to which any guideline issued under subsection (1) relates is alleged to have been contravened, then —

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(a) compliance with such guideline; or

(b) a contravention of or failure to comply with, whether by act or omission, such guideline,

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may be relied upon by any party to those proceedings as tending to negative or establish the contravention which is in question in those proceedings.”.

### **Amendment of section 64**

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**17.** Section 64 of the Electricity Act is amended —

- (a) by deleting the words “under subsection (3)” in subsection (2) and substituting the words “to consider and determine the appeal”; and

- (b) by deleting the words “establish by direction, within 30 days of the request, an Appeal Panel to consider an appeal made under this section” in subsection (3) and substituting the words “establish an Appeal Panel within 30 days after the request to consider and determine the appeal in question”.

### **Amendment of section 65**

**18.** Section 65 of the Electricity Act is amended —

- (a) by deleting the words “established by direction under section 64(3) or 98(2)” in subsection (1) and substituting the words “established by the Minister”;
- (b) by deleting the words “the direction” in subsection (2); and
- (c) by deleting subsection (3) and substituting the following subsection:

“(3) The remuneration and allowances, if any, of a member of an Appeal Panel are to be determined by the Minister and —

(a) subject to paragraph (b), form part of the expenses of the Authority; and

(b) where the Appeal Panel is established for the purposes of section 20A, must be borne equally by *E* and the transmission licensee, or in such other proportion between *E* and the transmission licensee as the Appeal Panel may specify.”.

### **Amendment of section 66**

**19.** Section 66 of the Electricity Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection:

“(1) An Appeal Panel must —

(a) by notice to the Authority and the appellant;  
or

(b) where the Appeal Panel is established for the purposes of section 20A, by notice to *E* and the transmission licensee concerned,

specify the date on and the place at which the appeal is to be heard.”; and

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(b) by inserting, immediately after subsection (10), the following subsection:

“(11) Where an Appeal Panel is established for the purposes of section 20A, the Appeal Panel must notify *E* and the transmission licensee of its decision in respect of the terms of the agreement required to be determined by it, and the reasons for its decision.”.

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### **Amendment of section 79**

**20.** Section 79 of the Electricity Act is amended —

(a) by deleting the words “other than an electricity licensee” in subsection (1); and

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

“(2A) Subsection (1) does not prohibit an electricity licensee from commencing or carrying out earthworks within the vicinity of any low voltage electricity cable that belongs to or that is under the management or control of the electricity licensee.”.

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### **Amendment of section 80**

**21.** Section 80 of the Electricity Act is amended —

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(a) by deleting the words “other than an electricity licensee” in subsection (1);

(b) by deleting the words “carries out” in subsection (4) and substituting the words “commences or carries out, or causes or permits the commencement or carrying out of,”; and

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(c) by inserting, immediately after subsection (6), the following subsection:

“(6A) Subsection (1) does not prohibit an electricity licensee from commencing or carrying out earthworks within the vicinity of any high voltage electricity cable that belongs to or that is under the management or control of the electricity licensee.”.

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**Amendment of section 82**

**22.** Section 82 of the Electricity Act is amended —

(a) by deleting subsection (1) and substituting the following subsections:

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“(1) An individual must not carry out, or offer or undertake to carry out, any electrical work unless —

(a) the individual is a licensed electrical worker; or

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(b) the individual acts under the supervision of an individual who is a licensed electrical worker.

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(1A) An individual must not hold himself out (whether by an advertisement or any other means) as authorised under this Act to carry out any electrical work, unless the individual is a licensed electrical worker.

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(1B) A person must not in the course of business (whether or not carried on for profit) provide, or offer or undertake to provide, the carrying out of any electrical work unless the person ensures that the work is carried out by —

(a) one or more individuals, each being a licensed electrical worker; or

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(b) one or more individuals acting under the supervision of one or more individuals, each of the latter being a licensed electrical worker.



(1C) A person must not hold out (whether by an advertisement or any other means) that the person is authorised under this Act to provide in the course of business the carrying out of any electrical work, unless the person ensures that the work is carried out by the individuals mentioned in subsection (1B)(a) or (b). 5

(1D) An owner or occupier of any premises who wishes to have any electrical work carried out at the premises must not knowingly engage (whether with or without consideration) a person that is not permitted under subsection (1) or (1B) to carry out any electrical work or to provide the carrying out of any electrical work, as the case may be.”; and 10

(b) by inserting, immediately after the words “subsection (1)” in subsection (3), the words “, (1A), (1B), (1C) or (1D)”. 15

### **Amendment of section 85**

**23.** Section 85 of the Electricity Act is amended —

(a) by deleting subsections (1), (2) and (3) and substituting the following subsection:

“(1) Any person who — 20

(a) removes, destroys or damages any electrical plant or electricity cable which is part of a transmission system that belongs to or that is under the management or control of an electricity licensee; 25

(b) causes or permits the removal, destruction or damage of such electrical plant or electricity cable; or

(c) in any way other than by paragraph (a) or (b), wilfully or recklessly hinders or prevents such 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 \$1 million or to imprisonment for a term not exceeding 5 years or to both.”; and

(b) by deleting the words “subsection (2)” in subsections (5) and (6) and substituting in each case the words “subsection (1)(a) or (b).”.

### **New section 85A**

**24.** The Electricity Act is amended by inserting, immediately after section 85, the following section:

#### **“Damage to submarine electricity cables, etc.**

**85A.** Any person who wilfully, recklessly or negligently —

(a) does any act, or causes or permits any act to be done, which damages or is likely to damage any submarine electric line or electricity cable in the territorial waters of Singapore that belongs to or that is under the management or control of an electricity licensee; or

(b) omits to do anything required to prevent any damage to any such submarine electric line or electricity cable,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2 million or to imprisonment for a term not exceeding 5 years or to both.”.

### **Repeal and re-enactment of section 87**

**25.** Section 87 of the Electricity Act is repealed and the following section substituted therefor:

**“Unauthorised use of electricity**

**87.—(1)** Any person who —

- (a) dishonestly or fraudulently abstracts, uses, consumes or diverts any electricity supplied by an electricity licensee; 5
- (b) alters or tampers with any part of any meter or meter installation supplied by an electricity licensee for registering the quantity of electricity supplied to any person or premises;
- (c) does any thing that compromises or adversely affects 10  
the ability or proper operation of any meter or meter installation supplied by an electricity licensee, in duly registering the quantity of electricity supplied to any person or premises; or
- (d) causes or permits any other person to engage in 15  
conduct mentioned in paragraph (a), (b) or (c),

shall be guilty of an offence.

(2) A person who is guilty of an offence under subsection (1)(a), (b), (c) or (d) shall be liable on conviction to one or both of the following: 20

- (a) a fine that is the total of —
  - (i) an amount not exceeding \$50,000; and
  - (ii) an amount equal to 3 times the value of electricity —
    - (A) abstracted, used, consumed or diverted in 25  
the commission of the offence under subsection (1)(a), or caused or permitted to be so abstracted, used, consumed or diverted in the commission of the offence under subsection (1)(d), as the case may 30  
be; or

(B) supplied as a result of the commission of the offence under subsection (1)(b), (c) or (d), as the case may be;

(b) imprisonment for a term not exceeding 3 years,

5 and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.

10 (3) The value of the electricity abstracted, used, consumed, diverted or supplied as mentioned in subsection (2)(a)(ii), may be determined based on the amount of such electricity fairly and reasonably estimated after comparing records (as are appropriate and available) of electricity usage before, during and after the abstraction, use, consumption, diversion or supply.

15 (4) If, in any proceedings before a court for an offence under subsection (1)(b) or (d), it is alleged that a person altered or tampered with any part of any meter or meter installation mentioned in subsection (1)(b), and it is proved —

(a) that, at the time of the alleged conduct —

20 (i) a device or wire was attached to, or was in the vicinity of, the meter or meter installation (or any part of the meter or meter installation) for the purpose of altering the index of the meter or meter installation or preventing the meter or meter installation from duly registering the quantity of electricity supplied;

25 (ii) the covering of the meter or meter installation had a hole which is not a result of ordinary wear and tear;

30 (iii) any seal fastened by an electricity licensee to any part of the meter or meter installation was damaged, removed or changed;

(iv) any paint or other chemical compound applied by an electricity licensee to or on any screw, component or mechanism of any part of the meter or meter installation was damaged or removed or altered in its chemical composition; or

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(v) the position or arrangement of any test link on a meter terminal test block of the meter installation was changed or altered; and

(b) that the person had, at the time of the alleged conduct, custody or control of the meter or meter installation,

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then the person is presumed, until the contrary is proved, to have so altered or tampered with the meter or meter installation.”.

### **Amendment of section 93**

**26.** Section 93 of the Electricity Act is amended by deleting subsection (3).

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### **Amendment of section 98**

**27.** Section 98 of the Electricity Act is amended —

(a) by deleting the words “, together with adequate details of the grounds for the appeal” in subsection (1);

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(b) by deleting subsections (1A) and (1B);

(c) by inserting, immediately after the word “Act” in subsection (1C)(a), the words “or allowed by the Minister”;

(d) by deleting the words “lodged under subsection (1)” in subsection (2) and substituting the words “made to the Minister”; and

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(e) by deleting subsections (3) and (4) and substituting the following subsections:

5 “(3) Any person who makes an appeal to the Minister must provide such information and documents as the Minister requires (whether for the purpose of deciding if an Appeal Panel should be established or for determining the appeal) and in such manner and within such period as may be specified by the Minister.

(4) The Minister may determine an appeal under this section —

10 (a) by confirming, varying or reversing any decision or direction of the Authority;

(b) (if applicable) by amending any code of practice or standard of performance issued or approved by the Authority to which the appeal relates; or

15 (c) by directing the Authority to reconsider its decision or direction,

and the Minister’s decision is final.

20 (5) Subsection (4) applies whether the appeal is lodged with or made to the Minister before, on or after the date of commencement of section 27(e) of the Electricity (Amendment) Act 2018.

(6) The Minister may make regulations prescribing —

25 (a) the time and manner in which an appeal must be made under this section; and

(b) the procedure to be adopted in determining any appeal under this section.”.

### **New section 100A**

30 **28.** The Electricity Act is amended by inserting, immediately after section 100, the following section:

## “Payment into Consolidated Fund

**100A.** All composition sums collected by the Authority under section 93 and all financial penalties collected by the Authority under this Act, must be paid into the Consolidated Fund.”.

### Amendment of section 103

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**29.** Section 103(2) of the Electricity Act is amended —

- (a) by deleting the word “and” at the end of paragraph (q); and
- (b) by deleting the full-stop at the end of paragraph (r) and substituting a semi-colon, and by inserting immediately thereafter the following paragraph:

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“(s) the prescribing of any service provided in connection with the performance of any function or duty of the Authority, for which the Authority may charge a price by way of agreement with the person to whom the service is provided (instead of prescribing the price).”.

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### Miscellaneous amendments

**30.** The Electricity Act is amended —

- (a) by deleting the words “a system comprising the transmission system” in the definition of “electricity system” in section 2 and substituting the words “a system comprising a transmission system of a transmission licensee”;
- (b) by deleting the words “the transmission system” in the following provisions and substituting in each case the words “a transmission system of a transmission licensee”:  
Sections 3(3)(e), 17(1)(c) and 43(1)(b) and (c);
- (c) by deleting the words “disconnect a non-contestable consumer from the transmission system” in section 24(1) and substituting the words “disconnect a non-contestable consumer from a transmission system of the transmission licensee”; and

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- (d) by inserting, immediately after the words “the transmission system” in section 24(4)(a), the words “of the transmission licensee to which the charges relate”.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Electricity Act (Cap. 89A).

Clause 1 relates to the short title and commencement.

Clause 2 makes changes to various definitions in section 2.

Clause 2(a) makes a technical amendment to the definition of “Appeal Panel”.

Clause 2(b) and (c) amends the definition of “earthworks”. Clause 2(b) makes it clear that “earthworks” relates to works carried out on, in or under the ground (and not only the act of excavation).

Clause 2(c) extends the definition of “earthworks” to the driving or sinking of any bar, rod, pole, picket, casing or tube into the ground (and not only of any earth rod, casing or tube).

Clause 2(d) amends paragraph (a) of the definition of “electrical installation” to clarify that the paragraph relates only to transmission licensees and generation licensees (and not any electricity licensee).

Clause 2(e) deletes and substitutes the definition of “electricity cable” to include apparatus and devices that are remotely or wirelessly connected to the connector or connectors, as well as data communication cables.

Clause 2(f) inserts new definitions of “meter” and “meter installation”.

Clause 2(g) deletes certain words from the definition of “transmission system”, that make the definition circuitous.

Clause 3 amends section 6(1) to extend the prohibited activities set out in that provision, to activities relating to electricity that the Minister for Trade and Industry (the Minister) prescribes by way of order in the *Gazette*.

Clause 4 makes a consequential amendment to section 9, following the amendment to section 6(1) in clause 3.

Clause 5 amends section 10 to clarify that the section applies where a contestable consumer continues as such.

Clause 6 inserts a new section 20A to empower the Energy Market Authority of Singapore (the Authority) to direct, in certain situations, any electricity licensee to allow a transmission licensee to connect any electrical plant or electrical line of the



transmission licensee to any electrical plant of that electricity licensee. As the connection is intended to be a long-term arrangement, the Authority may further direct that the 2 licensees enter into an agreement with each other concerning the maintenance of the connection, and any compensation to be paid by the transmission licensee to that electricity licensee. If the parties are unable to agree on the terms for any matter so as to be unable to enter into such agreement, either party may request that the Minister establish an Appeal Panel to determine the reasonable terms of that matter.

Clause 7 amends section 28(1) to clarify that a special administration order may be made by the Minister concerning all or any of the affairs, business and property of an electricity licensee.

Clause 8 amends section 29(7)(b) to permit a judicial management order to be made in respect of an electricity licensee, if the Authority consents to the same.

Clauses 9 to 14 make various amendments to Part IVA (Control of electricity licensees and entities with interests in transmission systems) to bring the Part in alignment with Part VIIB of the Gas Act (Cap. 116A), including amendments by the Gas (Amendment) Act 2018.

Clause 15 deletes and substitutes subsection (1) of section 41 to make it clear that regulations made under that subsection can provide for the circumstances in which a contestable consumer ceases to be such. The clause further amends section 41(10) to clarify that the provision applies where a contestable consumer continues as such.

Clause 16 inserts a new section 53A to empower the Authority to issue guidelines to provide practical guidance and certainty in respect of provisions under Part VII (Competition), and to provide for the evidential value of the guidelines.

Clauses 17 and 18 amend sections 64 and 65, respectively, to clarify that an Appeal Panel established for the purposes of the Act is established under section 65. Clause 18 further makes a consequential amendment to section 65 for the purposes of the new section 20A inserted by clause 6.

Clause 19 makes consequential amendments to section 66 for the purposes of the new section 20A inserted by clause 6.

Clause 20 amends section 79 to clarify that the prohibition concerning earthworks within the vicinity of any low voltage electricity cable in subsection (1) of that section, does not apply to an electricity licensee in relation to any low voltage electricity cable that belongs to or that is under the management or control of the electricity licensee.

Clause 21 amends section 80 to clarify that the prohibition concerning earthworks within the vicinity of any high voltage electricity cable in subsection (1) of that section, does not apply to an electricity licensee in

relation to any high voltage electricity cable that belongs to or that is under the management or control of the electricity licensee.

Clause 22 deletes and substitutes subsection (1) of section 82, and inserts new subsections (1A) to (1D), to provide for the prohibitions concerning the carrying out of electrical works.

The new subsections (1) and (1A) relate to the individual actually carrying out electrical works.

The new subsections (1B) and (1C) relate to persons (whether or not individuals) that, in the course of business, provide or offer or undertake to provide electrical works. This would include, for example, a firm or company in the business of providing electrical works. The firm or company must ensure that the individuals that carry out electrical works for the firm or company are licensed electrical workers or carry out the electrical works under the supervision of one or more licensed electrical workers. Subsections (1B) and (1C) would also require, for example, where an interior designer sub-contracts out the electrical works at any premises (the renovations for which the interior designer is overseeing) to another person, both the interior designer and the other person to ensure that any individual carrying out the electrical works is a licensed electrical worker or carries out the electrical works under the supervision of one or more licensed electrical workers. This is even though it is the other person that provides the individual carrying out the electrical works.

The new subsection (1D) prohibits an owner or occupier of any premises who wishes to have electrical works carried out at the premises, from knowingly engaging (whether or not for consideration) a person that is not permitted under subsection (1) to carry out those works or not permitted under subsection (1B) to provide the carrying out of those works.

Clause 23 deletes subsections (1), (2) and (3) of section 85 and substitutes a new subsection (1). The offences in the current subsections (1), (2) and (3) in relation to certain electrical plants and electricity cables are being rationalised, with removal, destruction and damage now under the new subsection (1)(a) and (b), and hindering of use, etc., now under the new subsection (1)(c). Under the former, an offence is committed by an individual who damages, etc., such plant or cable, and any person that caused or permitted the individual to so damage, etc., such plant or cable.

With regard to the offence of causing or permitting the damage, etc., there is no longer a need for any particular type of relationship between the person who caused or permitted the damage, etc., and the individual that damaged, etc., such plant or cable — an offence is committed so long as the person caused or permitted the individual to damage, etc., such plant or cable. The person can cause the individual to damage, etc., such plant or cable by, for instance, giving to the individual instructions which, when followed, result in the damage, etc.. This is whether the

instructions are given directly to the individual, or indirectly through one or more other parties. Each party involved in “passing on” the instructions (including, if applicable, the employer of the individual) is also guilty of the offence of causing the damage, etc.. The penalties for the offences are also aligned with similar offences under the Gas Act.

Clause 24 inserts a new section 85A to provide for new offences in relation to damage to submarine electric lines and electricity cables.

Clause 25 repeals and re-enacts section 87 to include new offences of —

- (a) doing any thing that compromises or adversely affects the ability or proper operation of a meter or meter installation supplied by an electricity licensee, in registering the quantity of electricity supplied to any person or premises; and
- (b) causing or permitting another person to contravene section 87(1)(a), (b) or (c).

To deter behaviour prohibited under section 87(1), the punishment for any offence under that provision will now have an additional fixed fine component that is equal to 3 times the value of the electricity abstracted, used, consumed, diverted or supplied in contravention or as a result of a contravention of section 87(1). The value may be based on appropriate and available records of electricity usage before, during and after the abstraction, use, consumption, diversion or supply.

Clause 26 makes a consequential amendment to section 93, following the new section 100A inserted by clause 28.

Clause 27(a), (b) and (e) amends section 98(1), deletes subsections (1A) and (1B) of section 98, and inserts a new subsection (6) in section 98, to empower regulations to be made concerning the time and manner in which appeals must be made to the Minister. Such regulations can include, among other things, the requirement that adequate details be provided in making any such appeal to ensure that the appeal is properly and adequately supported and justified from the outset. The new subsection (6) also empowers regulations to be made concerning the procedure to be adopted by the Minister when determining appeals.

Clause 27(c) amends section 98(1C) to empower the Minister to allow the effect of any decision, direction, code of practice or standard of performance to continue despite an appeal against the same.

Clause 27(d) makes a technical amendment to section 98(2).

Clause 27(e) also deletes and substitutes subsections (3) and (4) of, and inserts a new subsection (5) in, section 98 to empower the Minister to determine an appeal by directing the Authority to reconsider its decision (in addition to the other ways in which the Minister may currently determine an appeal).

Clause 28 inserts a new section 100A to provide for various moneys collected by the Authority to be paid into the Consolidated Fund.

Clause 29 amends section 103(2) to empower regulations to be made to prescribe services provided by the Authority in connection with any function or duty of the Authority, for which the Authority may charge a price by way of agreement.

Clause 30 amends various provisions in the Act to clarify the references to a transmission system of a transmission licensee.

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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