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Sabah Lawnet

**STATE OF SABAH**

I assent,

TUN DATUK SERI PANGLIMA (DR) HAJI JUHAR  
BIN DATUK HAJI MAHIRUDDIN,  
*Yang di-Pertua Negeri.*

3RD JANUARY, 2024.

**No. 17 of 2023**

An Enactment to provide for the regulation of the electricity supply, the supply of electricity at reasonable prices, the licensing of any electrical installation, the control of any electrical installation, plant and equipment with respect to matters relating to the safety of persons and the efficient use of electricity and for purposes connected therewith.

ENACTED by the Legislature of the State of Sabah as follows:

**PART I  
PRELIMINARY**

**Short title and commencement**

**1.** (1) This Enactment may be cited as the Electricity Supply Enactment 2024.



(2) This Enactment comes into operation on 3 January 2024.

## **Interpretation**

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

“area of supply” means the area within which a licensee is authorized to generate or supply electricity;

“authorized officer” means any public officer or officer of the Commission who is authorized in writing by the Minister for the purposes of this Enactment;

“Chief Executive Officer” means the Chief Executive Officer of the Commission;

“Collector” has the meaning assigned to it under the Land Ordinance [Cap. 68];

“Commission” means Energy Commission of Sabah established under the Energy Commission of Sabah Enactment 2023 [No.11 of 2022];

“communications” has the meaning assigned to it under the Communications and Multimedia Act 1998 [Act 588];

“competent person” means a person who holds a certificate of competency issued by the Commission to perform work in accordance with the restrictions, if any, stated in the certificate;

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

“consumer” means a person who is supplied with electricity or whose premises are for the time being connected for the purpose of supply of electricity by a licensee;

“consumer electrical equipment” means an appliance, product, wires, device, accessory or any part thereof, that uses low voltage electricity that —

- (a) is sold to the public; or
- (b) does not require special skill in its operation;

“conversion” means the conversion of alternating current to direct current or vice versa by static or dynamic means;

“danger” means danger to health or to human life or limb from shock, burn or other injury and includes danger to property, installation or equipment resulting from the generation, transmission, distribution or utilization of electricity;

“dishonestly” has the meaning assigned to it under the Penal Code [*Act 574*];

“Director” has the meaning assigned to it under the Land Ordinance;

“electrical product” means any equipment, device or appliance other than consumer electrical equipment;

“electrical work” means any work performed or carried out on an electrical installation and includes the installing, constructing, erecting or repairing, the altering of the structure, the replacing of any of its parts, the adding of any part to it or the carrying out of any work for the purposes of its maintenance, but does not include work in relation to —

- (a) the manufacturing of an electrical installation or the assembling 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 an electrical installation;

“electricity” means electrical energy or electrical power when generated, produced, transmitted, distributed, supplied or utilized for any purpose except for the transmission of any communication or signal;

“electricity distribution network” means a system or part of a system at nominal voltage of 33 kilovolts or below of electric lines or cables, substations and associated equipment and buildings for distributing electricity regardless of whether a generating plant is connected to such system;

“electricity supply infrastructure” means the licensee’s —

- (a) generating station;
- (b) main supply lines and supply lines;
- (c) substations for converting, transforming or controlling electricity;
- (d) equipment for metering, monitoring or controlling electricity; and
- (e) any wires, equipment and passages including tunnels and cavities or others used for, or in connection with, the generation, transmission, distribution or supply of electricity;

“electricity transmission network” means a system or part of a system at nominal voltage of 34 kilovolts and above of main supply lines or cables, substations and associated equipment and building used for conveying electricity —

- (a) from a generating station to a substation;
- (b) from one generating station to another;
- (c) from one substation to another;
- (d) to or from any interconnection point; or
- (e) to the final consumer;

“equipment” includes any item for such purposes as generation, conversion, transmission, distribution or utilization of electrical energy or communications such as machines, transformers, apparatus, measuring instruments, protective devices, wiring materials, accessories, electrical product, consumer electrical equipment and appliances;

“generating station” means a station consisting one or more generating units for generating electricity, including any building and plant used for the purpose, and the site thereof, and includes a site intended to be used for a generating station;

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

“Government” means the Government of the State of Sabah;

“grievous hurt” and “hurt” have the meanings assigned to it respectively under the Penal Code;

“installation” means the whole of any plant or equipment under one ownership or, where a management is prescribed, the person in charge of the management, designed for the supply or use, or both, as the case may be, of electricity; including generating unit, if any, with all necessary plant, buildings and land in connection therewith, pipeline, supply line, electricity supply infrastructure, domestic and non-domestic electrical installation and consuming apparatus, if any;

“insulated” means covered or protected by insulating material;

“insulating”, used as an epithet to characterize any substance, means of such size, quality and construction, according to circumstances, as to afford adequate protection from danger;

“licence” means a licence issued under section 8;

“licensee” means a person licensed under section 8;

“live” or “alive”, applied to a system or any part of any system, means that a voltage exists between any conductor and earth or between any two conductors in the system;

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

“main supply line” means any electricity transmission or distribution network for transmitting electricity from a generating station to another generating station or to a substation and includes any building or part of a building used in connection with such supply line;

“management” means the person placed in charge of an installation;

“meter” means any appliance, instrument, equipment or device used for the purpose of measuring and recording the amount of electrical energy or maximum demand or power factor or any combination including its associated equipment and communication facilities required to provide remote access to the metered data;

“Minister” means the Minister charged with the responsibility for matters relating to the supply of electricity;

“motor” means a motor of any type for the transformation of electrical energy into mechanical energy;

“non-domestic electrical installation” means a set of wires and associated fittings, equipment and accessories that is installed in a place for the conveyance, control or use of electricity that is, or is to be, or has been, supplied for consumption in the place, but does not include —

- (a) any electricity supply infrastructure owned or operated by a licensee;
- (b) any wires, fittings, equipment or accessories connected to and beyond any electrical outlet at which fixed wiring terminates, other than any such outlet used to connect sections of fixed

wiring; or

(c) private dwelling premises;

“non-domestic electrical installation owner or operator” means a person who owns, uses, works or operates a non-domestic electrical installation;

“power factor” means the ratio of active power to the apparent power;

“power quality” means the characteristics of the electricity at a given point on an electrical system, evaluated against a set of reference technical parameters such as voltage and current magnitude, frequency or waveform;

“power system” means a combined system consisting of an electricity transmission network, electricity distribution network and generating stations connected to the electricity transmission network and includes part of such system;

“private installation” means an installation operated by a licensee or owner solely for the supply of electricity to, and use thereof on the licensee’s or owner’s own property or premises, or, in the case of a consumer, taking electricity from a public installation for use only on the licensee’s or owner’s property or premises;

“private safety” means the obviation of danger to individuals or to private property;

“public installation” means an installation operated by a licensee for the supply of electricity to any person other than the licensee;

“public lamp” means an electric lamp used for the lighting of any street or other public place;

“public safety” means the obviation of danger to the general public, to public property and to streets, railways, airports, ports, canals, docks, wharves, piers, bridges, gasworks and their appurtenances and telegraphic, telephonic and other electrical signalling lines;

“Registrar” has the meaning assigned to it under the Land Ordinance;

“reserved land” means land reserved under any written law;

“retail” means the activity of supplying and selling of electricity to end consumers;

“ring fence” means identifying and isolating the activities, assets, costs, revenues and service obligations of a System Operator or a Single Buyer from the licensee referred to in sections 30 and 31 respectively through accounting, financial or legal separation or other means as determined by the Commission so as to ensure that the management of the System Operator or Single Buyer is capable of acting independently from activities under the licence of the licensee and to facilitate optimum cost of generation, effective competition and enhance transparency in the operations of the power system;

“safety management plan” means the safety, reliability, maintenance and technical management plan in respect of electricity supply infrastructure;

“safety management programme” means the safety, reliability, maintenance and technical management programme in respect of non-domestic electrical installation;

“Single Buyer” means any person or a unit, department or division forming part of a licensee who is authorized under subsection 31(1) responsible for the management of procurement of electricity and related services, which includes planning, scheduling, procuring and settlement, and any other function as may be prescribed by the Commission;

“State land” has the meaning assigned to it under the Land Ordinance;

“street” or “road” includes any highway, street, road, bridge, thoroughfare, parade, square, court, alley, lane, bridle path, foot way, passage or open place whether situated on land leased from the State or not, used and frequented by the public or to which the public have, or are permitted to

have access;

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

“system” means an electrical system in which all the conductors and equipment are electrically or magnetically connected;

“System Operator” means any person or a unit, department or division forming part of a licensee who is authorized under subsection 30(1) responsible for system security, operational planning, dispatch of generating units, real time operation and control of the power system and any other function as may be prescribed by the Commission;

“title” means a document of title kept by the Registrar; and

“transformation” means the transformation of voltage from lower to a higher voltage or vice versa.

## PART II

### FUNCTIONS AND POWERS OF THE COMMISSION

#### **Functions and powers**

3. The Commission shall carry out such functions and powers as follows:

- (a) to issue licences under section 8 of this Enactment;
- (b) to exercise regulatory functions in respect of the service of providing electricity by the licensee including the determination of supply and services standards, performance standards and standards of facilities



- and services and the enforcement thereof;
- (c) to promote competition in the generation and supply of electricity to, *inter alia*, ensure the optimum cost of generation and supply of electricity at reasonable prices;
  - (d) to exercise regulatory function in respect of the consumers' interests and the enforcement in respect of —
    - (i) the prices to be charged and the other conditions of electricity supply;
    - (ii) the continuity of electricity supply;
    - (iii) the quality of the electricity supply services provided; and
    - (iv) the quality of electricity supply which includes reliability and power quality;
  - (e) to ensure that all reasonable demands for electricity are satisfied;
  - (f) to regulate the activities of the licensee so that all reasonable demands for electricity are satisfied;
  - (g) to ensure that licensees are able to finance the carrying on of the activities which they are authorized by their licences to carry on;
  - (h) to promote and encourage the generation of electricity with a view to the economic development of Sabah;
  - (i) to promote the establishment and maintenance of safe and efficient systems for electricity generation, transmission, distribution and supply to consumers and the continued improvement of safety requirements;
  - (j) to enforce standards for electrical installations and licensee's electricity supply infrastructure, electrical products and consumer electrical equipment;
  - (k) to regulate the interval and manner in which any electrical installation or equipment shall be inspected;

- (l) to devise the nature of test to be employed and to prescribe minimum qualifications and practical experience for any purpose pursuant to this Enactment;
- (m) to investigate any accident or fire involving any electrical installation;
- (n) to provide, where necessary, for the registration of any installation, person providing service relating to efficient use of electricity, private wiring unit, electrical contractor, electrical services contractor, electrical repair contractor, manufacturer and importer, training and examination center or institution, conformity assessment bodies and any competent person, as may be prescribed;
- (o) to prescribe the minimum standards and specifications and appraise and approve, where necessary, any electrical installation or equipment;
- (p) to promote the efficient use of electricity;
- (q) to review or audit any of the information which a licensee is required to furnish to the Commission;
- (r) to audit or cause to be audited activities of any licensee or any other person determined by the Commission; and
- (s) to carry on all such other activities as may appear to the Commission requisite, advantageous or convenient for the purpose of carrying out or in connection with the performance of its functions and powers under this Enactment.

### PART III

#### ELECTRICITY FUND

##### **Contribution by licensee**

4. (1) A licensee shall, if required by the Minister under any regulations

made under this Enactment or by order published in the *Gazette* pursuant to the recommendation made by the Commission, allocate and pay into the Electricity Fund under section 5, in such manner and at such rates as may be prescribed in such regulations or order.

(2) Upon the recommendation of the Commission, the Minister may suspend or revoke such requirement made under subsection (1).

### **Electricity Fund**

5. (1) A fund to be known as the “Electricity Fund” is established and shall be administered and controlled by the Commission.

(2) The Electricity Fund shall consist of —

- (a) such sums allocated and paid by a licensee pursuant to section 4;
- (b) such sums as may be provided by the Legislative Assembly for the purposes of the Electricity Fund from time to time;
- (c) all moneys derived as income from investments made from the Electricity Fund, including interest income; and
- (d) all other moneys lawfully received by the Commission on behalf of the Electricity Fund.

(3) The Electricity Fund shall be expended for the following purposes:

- (a) to manage the impact of electricity tariff on consumers; or
- (b) such other purposes pertaining to the electricity as deemed necessary by the Commission.

### **Investment**

6. (1) The moneys in the Electricity Fund shall, in so far as they are not required or immediately required to be expended by the Commission for the purposes of subsection 5(3), be invested in such manner as the Minister may,

with the concurrence of the Minister of Finance, approve.

(2) The Commission shall open and maintain an account or accounts to hold moneys in the Electricity Fund with such financial institution or financial institutions in Malaysia as it thinks fit, after consulting the Minister and the Minister of Finance, and every such account shall be operated upon in such manner as may be authorized by the Commission for such purpose from time to time.

### **Accounts**

7. (1) The Commission shall cause proper accounts of the Electricity Fund and proper reports of its activities in respect of the Electricity Fund to be kept and shall, as soon as practicable after the end of the financial year of the Commission, cause to be prepared for that financial year —

- (a) a statement of accounts which shall include a balance sheet and an account of the contributions and expenditure; and
- (b) a statement of its activities.

(2) The Commission shall as soon as practicable send a copy of the statement of accounts certified by the auditors and a copy of the auditor's report to the Minister who shall cause them to be laid before the Legislative Assembly.

## PART IV

### LICENSED AND REGISTERED INSTALLATIONS

#### **Licence required for use of installations: terms, conditions and contents of licences**

8. (1) No person shall —

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

unless he holds a licence.

(2) A licence may be granted by the Commission, with the approval of the Minister, upon payment of such fees and upon such terms and conditions as appear to be requisite or expedient.

(3) The Commission may, whether a notice has been served or not, levy a surcharge for the late payment of fees due to from a licensee to the Commission, at a rate of one per cent per month or part of a month on such fees or at any other rate as may be prescribed.

(4) Notwithstanding subsection (2), the Commission may grant a licence upon payment of fees and upon such conditions as may appear to be requisite or expedient in respect of any installation as may be prescribed.

(5) Any licence for a public installation shall set out —

- (a) the area of supply;
- (b) the declared voltage and the variations permitted therefrom;
- (c) the maximum charges payable by consumers; and
- (d) such other matters as the Commission may consider necessary.

(6) Licences may be for such periods as the Commission may approve, provided that no licence shall, without the express approval of the Minister, be for a period exceeding twenty-one years.

(7) Any person who contravenes —

- (a) paragraph (1)(a) commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both, and in the case of a continuing offence, to a further fine not exceeding five thousand ringgit for every day or part of a day during which the offence continues after conviction;

- (b) paragraph (1)(b) commits an offence and shall, on conviction, be liable to a fine not exceeding one million ringgit or to imprisonment for a term not exceeding ten years or to both, and in the case of a continuing offence, to a further fine not exceeding ten thousand ringgit for every day or part of a day during which the offence continues after conviction.

(8) Any licensee who fails to comply with any term or condition expressed in the licence commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit, and in the case of a continuing offence, to a further fine not exceeding one thousand ringgit for every day or part of a day during which the offence continues after conviction.

### **Security**

9. (1) Before the grant of any licence, the Commission may require such security as the Commission may specify to be furnished for the due observance of the terms and conditions of the licence and of this Enactment.

(2) If a licence is revoked under section 13, the security shall be forfeited as the Commission deems fit.

### **Power to impose additional terms or conditions or to amend terms or conditions**

10. The Commission may, with the approval of the Minister, at any time —

- (a) impose any additional terms or conditions on the licence granted under section 8; or
- (b) amend any terms or conditions imposed on the licence granted under section 8.

### **Transfer of licence**

11. (1) The grant of the licence under section 8 shall be personal to the

licensee and the licence shall not be assigned or transferred to any other person except with the written consent of the Minister.

(2) A licensee who assigns or transfers his or its licence to any other person without the written consent of the Minister commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit, and in the case of a continuing offence, to a further fine not exceeding one thousand ringgit for every day or part of a day during which the offence continues after conviction.

### **Requirements on licensing**

**12.** (1) Notwithstanding any other provisions of this Enactment, if at any time it appears to the Commission that a licensee has failed to comply with any requirement of or to meet any of its duties or obligations under this Enactment or regulations made under this Enactment or the conditions of the licence, the Commission may require the licensee to rectify the failure or to comply with the requirements, duties or obligations or licence conditions within a specified period.

(2) The licensee referred to in subsection (1) shall take all reasonable measures to comply and submit periodic compliance reports on the measures taken to the satisfaction of the Commission.

(3) Any licensee who contravenes this section commits an offence.

### **Suspension and revocation of licence**

**13.** (1) The Commission may suspend or revoke a licence under any of the following circumstances:

- (a) the licensee has contravened any provisions of this Enactment;
- (b) the licensee has failed to comply with any of the conditions of the licence;
- (c) the licensee has default of payment of any moneys payable under

this Enactment;

- (d) the licensee has ceased to use, work or operate the installation or supply electricity which he was authorized to do under the licence;
- (e) the licensee has failed or refused to carry out his duties stipulated in the licence;
- (f) the licensee had improperly or illegally obtained the licence;
- (g) the licensee has been convicted of an offence under this Enactment;
- (h) a receiver, receiver and manager, provisional liquidator or like official has been appointed over the whole or substantial part of the licensee's assets and such appointment is not revoked or annulled within a period of sixty days from the date of appointment; or
- (i) there has been any act or default on the part of the licensee or there has been a change of circumstances such that the licensee would no longer be entitled to be granted a licence under this Enactment.

(2) Before the Commission makes a decision under subsection (1), the Commission shall give the licensee —

- (a) a written notice of its intention to suspend the licence; and
- (b) an opportunity to make written representation within a period specified in the written notice which shall not be less than fourteen days.

(3) After the expiry of the period specified in the notice, the Commission shall, after considering the written representation made by the licensee under subsection (2), if any, decide whether to suspend or revoke the licence.

(4) The Commission shall give the licensee a written notice of its decision



under subsection (3) as soon as practicable.

(5) Where a licence has been suspended or revoked on the ground that the licensee has ceased to work or operate an installation, the licensee may, if he considers that he has suffered or may suffer undue hardship by reason of the suspension or revocation, appeal to the Minister against the suspension or revocation, and the decision of the Minister on the appeal shall be final.

(6) The licensee shall not be entitled to compensation for any loss caused to him by the suspension or revocation of a licence under this section.

(7) Upon revocation of a licence, the licensee shall remove his installation and equipment within three months from the date of revocation, failing which the licensee shall be liable for all costs whatsoever incurred in the removal thereof and such costs may be recovered from the security deposited (if any) under section 9.

#### **Obligation to submit business plan**

**14.** (1) The Commission may request any licensee to submit a three year, or such other period as determined by the Commission, rolling business plan updated on an annual basis or any other time period as determined by the Commission according to procedures provided in the guidelines issued by the Commission.

(2) Any licensee who contravenes this section commits an offence.

#### **Standards of performance of supply and services by licensees**

**15.** (1) The Commission may, from time to time, issue codes, guidelines or directions on such standards of performance of supply and services to be implemented by a licensee including procedures for —

- (a) reasonably meeting consumer requirements;
- (b) handling consumer complaints and disputes;

- (c) procedures for the compensation of consumers in case of a breach of the standards of performance or a breach of any of the licensee's obligations under the Enactment; and
- (d) the protection of consumer information.

(2) Any action taken by the Commission pursuant to this section in respect of any failure by any licensee to meet the standards referred to in subsection (1), shall not prejudice or affect any other remedy which may be available in respect of the act or omission of the licensee which constituted that failure under any other law including the Consumer Protection Act 1999 [Act 599].

(3) The Commission may direct the licensee to provide any information on the levels of performance achieved and services provided in respect of the standards referred to in subsection (1) to consumers or potential consumers.

(4) A licensee shall publish its own standards of consumer services in accordance with the codes, guidelines or directions referred to in subsection (1).

(5) Any licensee who contravenes this section commits an offence.

### **Proper annual accounts by licensee**

**16.** (1) The licensee shall keep and maintain proper annual accounts of activities under the licence containing sufficient details as may be required of any revenues, costs, assets, liabilities, reserves or any other related matters.

(2) The accounts shall also be in accordance with any guidelines or directions as the Commission may, from time to time, issue to the licensee and such accounts shall be submitted to the Commission accordingly.

### **Arrangement for procurement of electricity**

**17.** In exercising its functions under paragraph 3(d), any arrangement by licensees or the Single Buyer for the procurement of electricity through the electricity transmission network, shall be subject to the approval of the

Commission.

### **Power to enter and examine non-State land**

**18.** (1) Whenever it appears to the licensee that it will be necessary for him to exercise the powers conferred upon him by this Enactment in respect of any land, other than State land for the purpose of constructing an installation or part of an installation, the licensee or any person authorized by him may, after giving not less than twenty-four hours notice to the owner, the officer or any other person in charge thereof, if any, enter upon the land, survey and take levels and do any other acts necessary to ascertain the suitability of the land, in so far as the same may be possible without causing damage or disturbance.

(2) Nothing herein contained shall be deemed to authorize any person to cut down or clear away any vegetation or any fence or other erection or to enter into any building or upon any enclosure attached to any building.

### **Power to enter non-State land for purposes of construction**

**19.** (1) Whenever it is necessary for the purpose of installing any system of supply of electricity under this Enactment, a licensee may lay, place or carry on, under or over any land, other than State land, such posts and other equipment as may be necessary or proper for the purposes of the licensed installation, as the case may be, and may take such other action as may be necessary to render the installation safe and efficient, paying full compensation in accordance with section 24 to all persons interested for any disturbance, damage or disability that may be caused thereby.

(2) Before entering on any land for the purpose specified in subsection (1), the licensee shall give a notice stating as fully and accurately as possible the nature and extent of the acts intended to be done.

(3) The notice given under subsection (2) shall be in the form set out in the First Schedule and the Collector shall enquire into any objection that may

have been made as herein after provided.

(4) The aforesaid notice shall be served on the owner, the officer or any other person in charge of the land and may be sent by registered post or be left at the usual or last known place of abode of the person to whom it is to be served.

(5) Any of the persons mentioned in subsection (4) may, within fourteen days of the receipt of the notice under subsection (2), lodge an objection to the intended acts of the licensee to the Collector in writing.

(6) If no objection is lodged under subsection (5), the licensee may forthwith enter on the land and do all or any of the acts specified in the notice given under subsection (2).

(7) If an objection is lodged and is not withdrawn before the date fixed for the hearing thereof, the Collector shall hold an enquiry requiring the owner, the officer or any other person in charge of the land to show cause why the licensee should not enter the land, giving all parties an opportunity to be heard.

(8) Upon the conclusion of the enquiry the Collector may, either unconditionally or subject to such terms, conditions and stipulations as he thinks fit, make an order authorizing or prohibiting any of the acts mentioned in the notice given under subsection (2), the order shall be in the form set out in the Second Schedule.

(9) Any party who is dissatisfied with the Collector's order may within twenty-one days after the order appeal against such an order to the Director which may then uphold, set aside or vary the order upon such terms, conditions and stipulations as he thinks fit.

(10) The Collector may, if he thinks fit, in lieu of making an order under subsection (8), decide any land or part of any land included in a notice given under subsection (2) to be acquired in accordance with the procedure under the Land Acquisition Ordinance [*Cap. 69*].

(11) The decision of the Director under this section shall be final.

(12) Notwithstanding any provisions of the Land Ordinance, the Registrar —

- (a) upon the production to him of the notice issued by the licensee under subsection (2) together with the statement by the Collector that no objection had been lodged by any of the persons mentioned in subsection (4); or
- (b) upon the production to him of the order made under subsection (8) and upon the deposit with him of a certified copy of such order,

shall cause to be made on the title relating to the land affected by the notice or order, as the case may be, a note the existence of the rights under such notice or order.

### **Supply lines and other equipment on State land**

**20.** (1) Subject to the approval of the Government and to such conditions as the Government may deem proper, a licence may extend to authorizing the licensee to lay, place or carry on, under or over State land, such supply lines and to erect and maintain in or upon State land such posts and other equipment as may in the opinion of the Commission be necessary or proper for the purposes of the licensed installation.

(2) All equipment placed in or upon State land which is not removed therefrom within six months, or such longer period as the Government may permit, after the expiration or early determination of the licence shall vest in and become the property of the Government.

### **Maintenance, repair and upgrading of installation**

**21.** (1) Whenever it is necessary for the purpose of maintaining, repairing or upgrading any licensed installation or any part thereof, the licensee, or any person authorized by him in that behalf, may at all reasonable times enter

upon any land on, under or over which supply lines have been laid, placed or carried, or upon which posts or other equipment have been erected, and may carry out all necessary repairs, and may, in the course thereof, fell or lop trees, remove vegetation and do all other things necessary to the said purpose, causing as little damage as possible and paying full compensation in accordance with section 24 to all persons interested for any damage that may be caused thereby for which compensation has not already been assessed under section 19.

(2) For the purpose of subsection (1), the licensee may interrupt the supply of electricity to the consumer.

**Removal or alteration of supply line, etc.**

22. (1) Where a supply line has been laid, or posts or equipment erected, on any land under section 19, and if any of the persons mentioned in subsection 19(4) desires to use the land in such a manner as to render it necessary or convenient that the supply line, posts or equipment should be removed to another part of the land, or to land at a higher or lower level, or be altered in form, he may require the licensee, to remove or alter the supply line, posts or equipment accordingly.

(2) If the licensee omits to comply with the requisition, the person may apply in writing to the Director which may, in his discretion, after enquiring into all the facts of the case, reject the application or make an order, either absolutely or subject to certain conditions, for the removal or alteration of the supply line, posts or equipment and the order shall provide for the payment of the cost of executing the removal or alteration by the licensee or by the person making the application, as the Director may consider equitable in the circumstances of the case.

(3) Whenever the Director has made an order for the removal or alteration of any main supply line, the licensee may, instead of removing or altering the supply line, apply to the Director for the acquisition of such land as is required for the purposes of the supply line.

(4) The supply line referred to in subsection (3) shall be deemed to be a work of public utility and the Land Acquisition Ordinance shall be enforced accordingly.

(5) Whenever a supply line has been laid, or post or equipment erected on State land by a licensee and the land is subsequently alienated to any person, the owner or occupier of the land may, unless the terms of alienation expressly provide otherwise, require the removal of the supply line to another part of the land, or to land at a higher or lower level, or the alteration of the supply line, post or equipment, and subsections (1) to (4) shall apply to any such requisition and the cost of executing the removal or alteration shall be defrayed by the person making the requisition.

### **Saving of wayleave agreements**

**23.** (1) Nothing in section 19 or 22 shall —

- (a) affect the right of a licensee to enter into an agreement, commonly known as a wayleave agreement, with the owner or occupier of any land for the purpose of carrying a supply line across the land; or
- (b) affect any such wayleave agreement subsisting at the commencement of this Enactment.

(2) Notwithstanding any written law relating to land, the Registrar, upon the production to him of the original and the deposit with him of a certified copy of any such wayleave agreement as is referred to in subsection (1), shall cause to be made on the title relating to the land affected by the wayleave agreement a note of the existence of the wayleave agreement.

(3) So long as there remains on the title a note made pursuant to subsection (2), all dealings with the land to which the note relates shall be deemed to be subject to the rights of the licensee under and by virtue of the wayleave agreement in respect of which the note has been made.

## **Compensation**

**24.** (1) The amount of compensation, if any, payable under section 19 or 21 shall be assessed by the Collector after such enquiry as he deems sufficient and the assessment shall be in the form set out in the Third Schedule.

(2) No compensation shall be payable by the licensee in respect of any tree within fifty feet of the center line of any road constructed or maintained by the Government or by any local authority unless it is proved that the tree was in existence prior to the construction of the road.

(3) Any person aggrieved with the Collector's assessment may within twenty-one days after the assessment appeal to the Director whose decision shall be final.

## **Reduction or cessation of supply: liability**

**25.** (1) Any licensee may reduce, as he may think fit, the quantity of electricity supplied to any consumer if by reason of any unforeseen circumstances electricity generated is insufficient to enable the full quantity to be conveniently supplied.

(2) Where the quantity of electricity has been reduced as aforesaid —

- (a) no liability shall be incurred by the licensee in respect of any loss or damage caused by the reduction; and
- (b) in appropriate cases, an abatement in the charges for the supply of electricity shall be made in proportion to the reduction made.

(3) Any licensee shall not be liable for any damage to any person or property or for any cessation of the supply of electricity which may be due to unavoidable accident, fair wear and tear or overloading due to unauthorized connection of equipment, or to reasonable requirements of the system, or to defects in any installation not provided by the licensee, but shall be liable only when the damage or cessation is shown to have resulted from negligence on the part of persons employed by the licensee, his agents or servants, as



the case may be, or from his faulty construction of the installation.

(4) Without prejudice to subsection (3), the licensee shall rectify and repair any damage to ensure continuation of the supply of electricity and, where applicable, compensate for any damage within the period of time as directed by the Commission if it is shown to have resulted from the negligence of the licensee, his agents or servants, as the case may be.

### **Restriction of use to specified purposes**

**26.** A licensee 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 so specified.

### **Exemption of equipment from distress and attachment**

**27.** When any electrical equipment belonging to a licensee has been placed in or upon premises not owned or occupied by the licensee, for the purpose of supplying or measuring electricity, such equipment shall not be subject to distress nor be liable to be taken in execution under any process of a court or in any bankruptcy or insolvency proceedings against any person.

### **Registration of installations**

**28.** (1) Before the completion of a new installation, other than an installation operated or owned by a licensee, the owner of the installation shall forward, in duplicate, to the Commission, an application for registration in the prescribed form.

(2) The Commission shall cause inspection and tests to be made within the prescribed period and, if the installation satisfies the requirements of this Enactment, shall issue or cause to be issued a Certificate of Registration in the prescribed form.

(3) No person shall possess or operate an installation, other than an

installation excluded under subsection (1) unless the installation is registered on a valid Certificate of Registration.

(4) Certificates of Registration shall be surrendered by the owner or licensee to the Commission for cancellation if the installation is no longer required to be used and thereafter, if the owner or licensee wishes to operate the installation again, the installation shall be treated in all aspects as if it is a new installation.

(5) A Certificate of Registration may be cancelled in accordance with regulations made under section 110.

(6) Certificates of Registration shall not be transferred without the permission of the Commission.

(7) Any person who fails or neglects to register any installation commits an offence and shall, on conviction, be liable to a fine not less than fifty thousand ringgit and not exceeding two hundred fifty thousand ringgit, and in the case of a continuing offence, to a further fine not exceeding one thousand ringgit for every day or part of a day during which the offence continues after conviction.

### **Periodical inspections of installations**

**29.** (1) Subject to any exemption granted under this Enactment, any person who intends to construct, extend or alter any installation shall give notice of the proposed construction, extension or alteration to the Commission and such person or a person authorized by him shall submit plans and obtain prior approval from the Commission who may periodically inspect the installation thereof.

(2) In addition to periodical inspections during construction, extension or alteration and final inspections on completion, all installations, while in operation, shall be subject to such periodical inspections as may be prescribed.

(3) The management or person in charge of any installation or the

construction, extension or alteration of any installation shall afford full facilities for inspection during working hours.

### **System Operator**

**30.** (1) The Minister may, upon the recommendation of the Commission, authorize or revoke the authorization of any person or a unit, department or division forming part of a licensee to be a System Operator by order published in the *Gazette*.

(2) The System Operator shall comply with any regulations, codes, guidelines or directions with regards to its functions as may be made or issued by the Minister or the Commission, as the case may be, under this Enactment.

(3) A System Operator, pursuant to discharging its functions under this Enactment, shall ensure non-discriminatory conduct and optimal and economical operation of such power system to the extent that it does not compromise the reliability, security and safety of the power system.

(4) The Commission may, from time to time, issue codes, guidelines or directions to ring fence the System Operator from activities under the licence of the licensee which are not related to its function as a System Operator.

### **Single Buyer**

**31.** (1) The Minister may, upon the recommendation of the Commission, authorize or revoke the authorization of any person or a unit, department or division forming part of a licensee to be a Single Buyer by order published in the *Gazette*.

(2) The Single Buyer shall comply with any regulations, codes, guidelines or directions with regards to its functions as may be made or issued by the Minister or the Commission, as the case may be, under this Enactment.

(3) A Single Buyer, pursuant to discharging its functions under this Enactment, shall ensure non-discriminatory conduct and optimal and economical operation of such power system to the extent that it does not compromise the reliability, security and safety of the power system.

(4) The Commission may, from time to time, issue codes, guidelines or directions to ring fence the Single Buyer from activities under the licence of the licensee which are not related to its function as a Single Buyer.

## PART V

### COMPETENT CONTROL

#### **Persons in charge**

**32.** (1) No electrical installation or plant or equipment shall be worked or operated except by or under the control of persons possessing such qualifications and holding such certificates as may be prescribed, and no person not possessing the qualifications or holding a certificate as aforesaid shall be in charge of any installation or shall control the operation of any electrical plant or equipment.

(2) Any person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit, and in the case of a continuing offence, to a further fine not exceeding one thousand ringgit for every day or part of a day during which the offence continues after conviction.

## PART VI

### EFFICIENT USE OF ELECTRICITY

#### **Minister to prescribe standards, etc.**

**33.** The Minister may, from time to time, prescribe the standards,

specifications, practices and measures to be adopted and any other matters in respect of the efficient use of electricity.

### **Installation to meet requirements**

**34.** No person shall use or operate any installation unless the installation meets such requirements as may be prescribed in respect of the efficient use of electricity.

### **Equipment to meet requirements**

**35.** No person shall manufacture, import, sell or offer for sale or lease any equipment unless the equipment meets such requirements as may be prescribed in respect of the efficient use of electricity.

### **Registration of person providing service relating to efficient use of electricity**

**36.** No person shall provide any service relating to efficient use of electricity unless registered under this Enactment.

## **PART VII**

### **SUPPLY BY LICENSEE**

#### **Duty to supply on request**

**37.** (1) Subject to the following provisions of this Part and any regulations made thereunder, a licensee shall upon being required to do so by the owner or occupier of any premises —

- (a) give a supply of electricity to the premises; and
- (b) so far as may be necessary for that purpose, provide supply lines or any electrical plant or equipment.

(2) Where any person requires a supply of electricity under subsection (1) he shall give to the licensee a notice specifying —

- (a) the premises in respect of which the supply is required;
- (b) the day on which the supply is required to commence;
- (c) the maximum power which may be required at any time; and
- (d) the minimum period for which the supply is required to be given.

(3) Where a licensee receives from any person a notice under subsection (2) requiring him to give a supply of electricity to any premises and —

- (a) he has not previously given supply of electricity to the premises;
- (b) the giving of the supply requires the provision of supply lines or electrical plant or equipment; or
- (c) other circumstances exist which make it necessary or expedient for him to do so,

the licensee shall, as soon as practicable after receiving that notice, give to the person a notice under subsection (4).

(4) A notice under this subsection shall —

- (a) state the extent to which the proposals specified in the notice under subsection (2) are acceptable to the licensee and specify any counter proposals made by the licensee;
- (b) state whether the prices to be charged by the licensee will be determined by a tariff under subsection 39(1) or by a special agreement under subsection 45(1), and specify the tariff or the proposed terms of the agreement;
- (c) specify any payment which the person shall be required to make under subsection 41(1); and
- (d) specify any security which the person shall be required to give under section 42.

- (5) In this section and in sections 38 to 45 of this Part —
- (a) any reference to giving a supply of electricity includes a reference to continuing to give such a supply;
  - (b) any reference to requiring a supply of electricity includes a reference to requiring such a supply to continue to be given; and
  - (c) any reference to the provision of a supply line or an item of electrical plant or equipment is a reference of such a line or item either by the installation of a new one or by the modification of an existing one.
- (6) Any person who unlawfully —
- (a) hinders, prevents or obstructs the supply of electricity from being given by the licensee to the consumer;
  - (b) hinders, prevents or obstructs the supply of electricity to any consumer from being disconnected by the licensee in accordance with this Enactment; or
  - (c) causes the supply of electricity to any consumer to be disconnected,

commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

### **Exceptions to duty to supply electricity**

**38.** Nothing in subsection 37(1) shall be taken as requiring a licensee to give a supply of electricity to any premises if —

- (a) the supply of electricity is already being given to the premises by another licensee and such supply is given whether wholly or partly through the licensee's supply lines and electrical plant or equipment;

- (b) the premises, being a domestic, commercial or industrial premises —
  - (i) is located on land without the consent of the land owner;
  - (ii) has not been approved pursuant to or is in contravention of the Local Government Ordinance 1961 [*No. 11 of 1961*] and Town and Country Planning Ordinance [*Cap. 141*]; or
  - (iii) is in contravention of any other written law;
- (c) he is prevented from doing so by the malfunction or failure of any electricity supply infrastructure, electrical system, equipment or installation beyond his control, or as a result of fire, flood, landslide, explosion, accident, industrial disturbance on a state or national level, emergency, riot, civil disturbance or war, or any other similar event not within the control of the licensee;
- (d) circumstances exist by reason of which his doing so will or may involve his breach of any regulations under this Enactment; or
- (e) it is not reasonable in all the circumstances for him to be required to do so, provided that this paragraph shall not apply in relation to a supply of electricity which is being given to any premises, if the premises are not occupied, unless the licensee has given to the owner or to the occupier a notice of not less than seven working days of his intention to discontinue the supply of electricity.

### **Power to fix tariffs and charges**

**39.** (1) The Commission may, with the approval of the Minister, determine tariffs and charges to be levied by a licensee.

(2) The Commission may, from time to time, issue guidelines on tariffs and charges including —

- (a) the methodology, principles, category and design of tariffs and



charges;

- (b) the duration for the imposition of tariffs and charges and for the review of the tariffs and charges; and
- (c) the submission of any information as the Commission deems requisite and necessary.

(3) A licensee shall submit a proposal on tariffs and charges to the Commission in accordance with the guidelines issued by the Commission under subsection (2).

(4) The approved tariffs and charges shall be published by the licensee in such manner as in the opinion of the Commission will secure adequate publicity for it.

(5) The approved tariffs and charges under subsection (1) may include but not limited to —

- (a) a fixed charge in addition to the charge for the actual electricity supplied;
- (b) a charge in respect of the availability of a supply of electricity and such charge may vary according to the extent of supply;
- (c) a rent or other charge in respect of any electricity meter or electrical plant or equipment provided by the licensee;
- (d) a rate or quantum of discount or premium from the approved tariff in respect of certain type of consumers or public purposes as determined by the Minister; and
- (e) a rate or quantum of payment, charge or levy of any sum pursuant to any other written law or any guidelines issued by the Commission.

(6) In levying tariffs and charges pursuant to subsection (1) and entering into special agreements under section 45, a licensee shall not show undue preference or discrimination as among consumers or persons similarly situated

having regard to the place and time of supply, the quantity of electricity supplied, the consumer load and power factor, and the purpose for which the supply is taken.

### **Licensee may levy surcharge**

**40.** Notwithstanding any other provisions in this Enactment, a licensee may levy a surcharge subject to such conditions and at such rates as may be prescribed for late payment of monies due from a consumer to the licensee in respect of the electricity supplied by the licensee.

### **Power to recover expenses**

**41.** (1) Where any supply line or electrical plant or equipment is provided by a licensee pursuant to subsection 37(1), the licensee may require any expenses reasonably incurred as determined by the Commission to be defrayed by the person requiring the supply of electricity to such extent as is reasonable having regard to the circumstances.

(2) The expenses reasonably incurred in providing any supply line or electrical plant or equipment under subsection (1) include the capitalized value of any expenses likely to be so incurred in maintaining it, if such expenses cannot be recovered by the licensee as part of the tariffs levied by him for the supply.

### **Power to require security**

**42.** (1) A licensee may require any person who requires a supply of electricity pursuant to subsection 37(1) to give him reasonable security for all moneys which may become due to him —

- (a) in respect of the electricity supply; or
- (b) where any supply line or electrical plant or equipment has to be provided under the same subsection in respect of the provision of such facility,

and if the person fails to give such security, the licensee may, if he thinks fit, refuse to give the supply or to provide the supply line or electrical plant or equipment until the security has been given.

(2) Where the person has not given the security in subsection (1) or the security given by the person has become insufficient, the licensee may by notice require the person, within seven days after the service of the notice, to give him reasonable security for the payment of all moneys which are due to him in respect of the supply and if the person fails to give such security, the licensee may, if he thinks fit, discontinue the supply until security is given.

### **Return of security with interest**

**43.** Notwithstanding any other provisions in this Enactment, a licensee shall pay to a person subject to such conditions and at such rates as may be prescribed a sum equivalent to the annual interest on the security given under section 42.

### **Supply agreement with consumer**

**44.** (1) A person who requested for a supply of electricity from a licensee after the date of coming into operation of this Enactment shall enter into an agreement with the licensee for the supply of electricity on such terms and conditions as may be specified in the agreement before the electricity is supplied.

(2) An agreement referred to in subsection (1) shall be in the form and substance as approved by the Commission.

### **Special agreement with respect to supply**

**45.** (1) Notwithstanding anything contained in sections 37 to 42, a person or a licensee who requires a supply of electricity pursuant to subsection 37(1) may enter into a special agreement with the licensee for the supply on such terms as may be specified in the agreement.

(2) Where any agreement made pursuant to subsection (1) remains effective, the rights and liabilities of the parties to the agreement shall be determined by the agreement and not by the provisions of sections 37 to 42.

(3) Notwithstanding the provisions of subsection (2), subsection 37(2) shall however apply for the purposes of specifying the day on which the supply of electricity is required to commence and the day on which such an agreement ceases to be effective.

(4) Any agreement made between licensees under subsection (1) shall be approved by the Commission.

### **Determination of dispute**

**46.** (1) A dispute between two or more persons regarding any matter under sections 25, 37 to 45 and 50 shall first be attempted to be resolved by negotiations between the parties to the dispute.

(2) If the parties to a dispute cannot or otherwise fail to reach an agreement to resolve the dispute, the parties may seek resolution of the dispute by a committee established by the Commission to hear and resolve disputes.

(3) The practice and procedure to be followed in the determination of any dispute under subsection (2) shall be such as the Commission may consider appropriate.

(4) Pending the determination of any dispute arising under sections 25, 37 to 45 and 50 between a licensee and a person requiring a supply of electricity, the licensee shall continue to give the supply of electricity until the determination of the dispute.

(5) Any order under subsection (2) may include a provision requiring either party to pay the costs or expenses incurred by the Commission in determining the dispute.

### **Notification of dispute and binding decision by the Commission**

**47.** (1) Any party to a dispute may, in writing, notify the Commission of the dispute which the parties to the dispute had failed to resolve by negotiation under subsection 46(1).

(2) The committee established by the Commission under subsection 46(2) shall only be convened to resolve a dispute if the Commission is satisfied that —

- (a) an agreement to resolve the dispute will not be reached or will not be reached within a reasonable time; and
- (b) the dispute and its notification is not trivial, frivolous or vexatious.

(3) The committee may resolve the dispute upon such terms and conditions as it thinks fit.

(4) The terms and conditions under subsection (3) shall be in writing and accompanied by the grounds for the committee's decision.

(5) The committee's decision shall be deemed as a decision of the Commission and be binding on the parties.

(6) A decision made by the Commission under this section may, by leave of the Sessions Court, be enforced in the same manner as a judgment or order to the same effect by the Sessions Court, and where leave is so given, judgment may be entered in terms of the decision of the Commission and as if the decision was a judgment of such Court.

(7) The judgment under subsection (6) can only be entered if a certificate has been issued by the Commission to any party for leave to proceed to the Court for the enforcement of the decision but no certificate is required if an action is taken by the Commission under this section.

### **Register of decisions**

**48.** (1) The Commission shall maintain a register of all decisions made under section 47.

(2) The register shall contain —

- (a) the names of the parties to the dispute;
- (b) a general description of the matter pertaining to the decision;  
and
- (c) the date of the decision.

### **Fixing of maximum prices for reselling electricity**

**49.** (1) This section applies to electricity supplied to premises by a person who is authorized by a licence to supply electricity.

(2) The Commission may from time to time fix the maximum prices at which electricity under this section may be resold and may publish the prices so fixed in such manner as in the opinion of the Commission will secure adequate publicity for them.

(3) Different prices may be fixed for different cases which may be determined by reference to the area, tariff or any other relevant factor.

(4) If any person resells electricity at a price exceeding the maximum price fixed under this section, the amount of the excess shall be recoverable by the person to whom the electricity was resold.

### **Charge for supply of electricity to be ascertained by appropriate meter**

**50.** (1) Where a consumer, a licensee or a Single Buyer is to be charged for his supply of electricity whether wholly or partly by reference to the quantity of electricity supplied, the supply shall be given through, and the quantity of

electricity shall be ascertained by, an appropriate meter.

(2) The meter shall be installed, calibrated, tested, verified and maintained as may be prescribed or in accordance with any codes or guidelines issued under this Enactment, as the case may be.

(3) The meter shall be provided by the licensee supplying electricity, whether by way of sale, hire or loan.

(4) The meter shall be installed on the consumer's, licensee's or Single Buyer's premises in a position to be determined by the licensee supplying electricity, unless in certain circumstances it is more reasonable to place it outside the premises or in some other position.

(5) If the consumer, licensee or Single Buyer refuses or fails to have his supply of electricity through the appropriate meter provided and installed in accordance with subsections (3) and (4) the licensee supplying electricity may refuse to give or may discontinue the supply.

(6) For the purposes of this section, a meter is an appropriate meter for use in connection with any particular supply of electricity if it is of a pattern of construction which, having regard to the terms on which the supply is to be charged for, is particularly suitable for such use and may include a pre-paid meter, metering infrastructure, telemetering or any other means of metering determined by the Commission.

## PART VIII

### NOTIFICATION OF ACCIDENT OR FIRE

#### **Serious accidents to be reported to, and investigated by the Commission**

**51.** (1) Whenever any accident or fire causing or resulting in loss of life or hurt to any person or serious damage to property has occurred in connection with any electrical installation or plant or equipment, the owner or licensee

and the management thereof shall report the accident or fire to the Commission by the quickest means available, and subsequently, with the least possible delay, shall report in writing to the Commission the facts of the matter so far as they are known to them respectively.

(2) The Commission shall, as soon as practicable, upon receipt of the first report direct an authorized officer to —

- (a) visit the place where the accident or fire occurred;
- (b) make a preliminary investigation of the circumstances;
- (c) record in writing his findings which may be supported by relevant photographs, upon the investigation;
- (d) be provided with photographs, medical reports or other relevant documents from any person or authority without any payment of fees and such person or authority shall comply with such request thereof;
- (e) forward his report to the Chief Executive Officer; and
- (f) if there has been any loss of life or there is reason to believe that any person has been fatally injured, send a copy of his findings to the nearest Magistrate.

(3) In the event of loss of life or grievous hurt to any person due to any accident or fire in connection with any electrical installation or plant or equipment, no alteration or addition shall, without the consent of the Commission, be made to any part of the installation, plant or equipment which may have contributed to cause the accident or fire nor shall any alteration be made, without that consent, to the site of the accident or fire until the authorized officer has completed his investigation, provided that nothing herein contained shall operate to interfere with rescue work or work necessary for the general safety of life or property.

(4) If upon a preliminary investigation under subsection (2) it appears to the authorized officer making the investigation that there is reason to believe that the accident or fire was due to any failure to comply with this Enactment



or any lawful order given by the Commission, or if the authorized officer making such investigation is satisfied that the accident or fire might have been prevented if proper precautions had been taken and observed in the working of any electrical installation or plant or equipment, the Commission may further investigate the circumstances of the accident or fire together with the authorized officer making the preliminary investigation and if in the opinion of the Commission that criminal proceedings should lie against any person, then the Commission shall forward to the Public Prosecutor a copy of the authorized officer's report with the opinion of the Commission on the circumstances and findings.

(5) Any person concerned in any investigation held under this section may be entitled, upon payment of the prescribed fees, to receive a copy of the report, opinion and statement of the Commission in the course of its investigations.

(6) Any person who, without lawful excuse, contravenes or fails to comply with subsections (1) and (3) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

## PART IX

### SAFETY OF INSTALLATION AND EQUIPMENT

#### **Responsibilities of licensee for safety**

**52.** (1) A licensee who operates and maintains any electricity supply infrastructure shall comply with any regulations made under this Enactment or the electrical infrastructure safety code or, in the absence of such regulations or code, with standards and prudent utility practices as may be determined by the Commission.

(2) A licensee shall prepare a safety management plan dealing with matters as may be prescribed in the electrical infrastructure safety code or, in the absence of such code, with standards and prudent utility practices as may be determined by the Commission.

(3) Any licensee who fails to prepare a safety management plan referred to in subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

**Responsibilities of non-domestic electrical installation owner or operator, licensee for retail and licensee for a private installation for safety**

**53.** (1) A non-domestic electrical installation owner or operator registered under this Enactment, licensee for retail and licensee for a private installation shall comply with the non-domestic electrical installation safety code and the safety management programme or, in the absence of such code or programme, with standards and prudent industry practices as may be determined by the Commission.

(2) A non-domestic electrical installation owner or operator registered under this Enactment, licensee for retail and licensee for a private installation shall prepare a safety management programme within such time as may be directed by the Commission.

(3) The safety management programme referred to in subsection (2) shall provide for matters as may be prescribed in the non-domestic electrical installation safety code or, in the absence of such code, with standards and prudent industry practices as may be determined by the Commission.

(4) A non-domestic electrical installation owner or operator registered under this Enactment, licensee for retail and licensee for a private installation who fails to prepare the safety management programme referred to in subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

**Undertaking electrical work**

**54.** (1) A competent person or a person under the control of a competent

person who undertakes to carry out electrical work shall ensure that such electrical work complies with any regulations made under this Enactment, the electrical infrastructure safety code or non-domestic electrical installation safety code, as the case may be, or, in the absence of such regulations or codes, with standards and prudent industry practices as may be determined by the Commission.

(2) The person undertaking electrical work under subsection (1) shall ensure that such work shall not cause electricity related injury to any person or damage to any property.

### **Unauthorized work or activity**

**55.** (1) No person shall without the lawful authority of the licensee undertake any work or engage in any activity in the vicinity of any electrical installation or part thereof as may be prescribed in a manner likely to interfere with any electrical installation or to cause danger to any person or property.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

### **Responsibilities relating to non-electrical work**

**56.** (1) Any person who undertakes any construction, building, renovation or work other than electrical work in the vicinity of electrical installation shall ensure that the work shall not cause interference with the supply of electricity or electricity related injury to any person or damage to any property.

(2) Any person who contravenes subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit, and in the case of a continuing offence, to a further fine not exceeding one thousand ringgit for every day or part of a day during which the offence continues after conviction.

(3) Any person who causes any injury or damage under subsection (1) shall, in addition to the penalty under subsection (2), be liable to pay full compensation for the injury or damage, as the case may be, and make good the damage he has done to the property within a specified time as the court thinks fit.

(4) For the purpose of subsection (1), “work” includes excavation works.

### **Compliance inspection**

**57.** (1) The Commission may, inspect or cause to be inspected an electricity supply infrastructure, non-domestic electrical installation or the place of business or any activities of a registered manufacturer or importer or of a registered conformity assessment body or a registered training and examination center or institution to ensure the licensee, non-domestic electrical installation owner or operator, licensee for retail and licensee for a private installation, registered manufacturer or importer or registered conformity assessment body or registered training and examination center or institution, as the case may be, is in compliance with this Enactment, any regulations made under this Enactment, codes, guidelines or directions issued by the Commission under this Enactment, the safety management plan and safety management programme, as the case may be.

(2) The Commission may inspect or cause to be inspected any equipment in any premises, building, facility including temporary facility and vehicle that is used for the sale or offer for sale by way of retail to ascertain if such equipment conforms to the standards as may be determined by the Commission.

### **Interpretation**

**58.** For the purposes of this Part —

“electrical infrastructure safety code” means a code developed, issued and registered by the Commission under section 99 on safety requirements, appropriate safety and technical standards, operation,

maintenance and protection of the electrical system and other related matters for electricity supply infrastructure;

“non-domestic electrical installation safety code” means a code developed, issued and registered by the Commission under section 99 on safety requirements, appropriate safety and technical standards, operation, maintenance and protection of the electrical system and other related matters for non-domestic electrical installation; and

“licensee” does not include licensee for retail and a licensee for a private installation.

## PART X ENQUIRY

### **Procedure in relation to enquiry**

**59.** (1) In the event of any difference of opinion between a licensee and an authorized officer or between the management or owner of any installation or equipment and an authorized officer regarding any matter affecting the construction, erection, maintenance or operation of any installation or equipment, the matter shall be referred to and decided by the Commission.

(2) Any person who is aggrieved by a decision of the Commission under subsection (1) may apply to the Minister for re-consideration of the matter in dispute and the application shall be made in writing within twenty-one days from the date of the decision of the Commission, or within such further period as the Minister may in special circumstances allow, and shall contain the grounds of grievance.

(3) On receipt of the application, the Minister shall appoint a person as his representative to lead and hold the enquiry into the matter together with two other persons to be nominated by the Minister as assessors which shall be persons possessing electrical or other special skill and experience drawn from persons not in the service of the Commission.

(4) All questions in the enquiry shall be determined by a majority of the members holding the enquiry.

(5) At the conclusion of the enquiry, the person appointed by the Minister under subsection (3) shall forward to the Minister a summary of the evidence together with the decision arrived at, and the Minister shall accept the decision as final and shall inform all persons concerned.

(6) Any person concerned with the matter referred to the Minister under subsection (2) shall be entitled, upon payment of the prescribed fees, to a copy of the summary of evidence and the decision referred to in subsection (5).

(7) Persons nominated by the Minister to serve as assessors shall be entitled to receive such remuneration as may, from time to time, be prescribed by the Minister.

### **Power of holding enquiry**

**60.** For the purpose of holding enquiries under this Enactment, the Commission or the person appointed by the Minister under subsection 59(3), as the case may be, shall have power to administer oaths and affirmations and shall be vested with the powers of a first class Magistrate for compelling the attendance of witnesses, maintaining order or otherwise duly conducting the said enquiries, and persons summoned to attend any such enquiry shall be legally bound to attend.

## **PART XI**

### **OFFENCES AND PENALTY**

#### **Offences**

**61.** (1) Any person who tampers with or adjusts any installation or part thereof or manufactures or imports or sells any equipment so as to cause or to be likely to cause danger to human life or limb or injury to any equipment or other

property commits an offence and for each such offence shall, on conviction, be liable to a fine not exceeding one million ringgit or to imprisonment for a term not exceeding ten years or to both.

(2) Any person who by any rash or negligent act or omission causes injury to any person or damage to property in respect of any installation or equipment or part thereof commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(3) Any person who in any manner dishonestly —

- (a) abstracts electricity;
- (b) consumes electricity;
- (c) uses electricity;
- (d) alters the index of any meter or other instrument used on or in connection with any installation or any licensed installation for recording the output or consumption of electricity; or
- (e) prevents any such meter or instrument from duly recording the output or consumption of electricity,

commits an offence and shall, on conviction, be liable —

- (i) in the case of a domestic consumer, to a fine of not less than one thousand ringgit and not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both, and for the second and subsequent offence to a fine of not less than five thousand ringgit and not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both; and
- (ii) in the case of a non-domestic consumer, to a fine of not less than twenty thousand ringgit and not exceeding one million ringgit or to imprisonment for a term not

exceeding five years or to both, and for the second and subsequent offence to a fine of not less than one hundred thousand ringgit and not exceeding five million ringgit or to imprisonment for a term not exceeding ten years or to both.

(4) Any licensee who without the express authority from the Commission supplies electricity or lays down any supply line or constructs any electrical work outside the area of supply specified in his licence commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both, and any such unauthorized supply line or work may, after conviction, be removed by order of the Commission, and if such order is not complied with, the reasonable costs of such removal may be recovered from the licensee.

(5) Any person who, without due authority, extinguishes or damages any public lamp or damages or defaces any post, bracket or other means of support of a public lamp commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(6) Any person who without lawful consent of the licensee affixes or causes to be affixed any advertisement, bill or notice or any paper against or upon, or otherwise defaces any building, post or bracket or other equipment or the enclosure thereof used for or in connection with any public installation commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit.

(7) Any person who wilfully or negligently —

- (a) causes electricity to be diverted from its proper course to be wasted; or
- (b) breaks, throws down, causes to fall or damage any supply line, post, pole or other equipment, installation or any part thereof, as the case may be, connected with the supply of electricity,



commits an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(8) Any person who installs any electrical wiring or extension to existing wiring on any premises without approval in writing from a licensee commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(9) Any person who damages or removes any meter or other instrument used on or in connection with any licensed installation for recording the output or consumption of electricity commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(10) For the purposes of subsection (3) —

“domestic consumer” means a consumer in domestic installation supplied or connected with electricity;

“domestic installation” means an installation in a private dwelling which is not used in any hotel or boarding house or for the purpose of carrying out any business, trade, profession or service; and

“non-domestic consumer” means a consumer of electricity other than domestic consumer.

## **Offence of attempt and abetment**

**62.** Where any person —

- (a) aids, abets, assists, incites or induces any other person to make or makes on behalf of another person an incorrect return, account, statement or declaration or to commit any offence punishable under this Enactment; or

- (b) attempts to make or to make on behalf of another person an incorrect return, account, statement or declaration or to commit any offence punishable under this Enactment,

that person commits an offence and shall, on conviction, be punishable with the punishment provided for such offence under this Enactment provided that any term of imprisonment imposed shall not exceed half of the longest term provided for the offence.

### **Disconnection of supply of electricity**

**63.** (1) Where any person employed by a licensee finds upon any premises evidence which gives reasonable grounds for him to believe that an offence has been committed under subsection 61(1), (3) or (9), the licensee or any person duly authorized by the licensee shall within three working days from the date of such finding inform the Commission in writing, and the licensee may, upon giving not less than forty-eight hours' notice from the same date in such form as may be prescribed, cause the supply of electricity to be disconnected from the said premises.

(2) Notwithstanding any other provisions in this Enactment, where a police officer applies to a licensee for the disconnection of the supply of electricity to any premises for a period not exceeding one calendar month under section 21A of the Common Gaming Houses Act 1953 [Act 289], the licensee or any person authorized by the licensee shall immediately disconnect or cause the supply of electricity to be disconnected from those premises.

(3) Upon receiving such information under subsection (1), the Commission may verify the matter and in cases where it finds that no offence has been committed, the supply of electricity shall be reconnected immediately.

(4) If the supply of electricity has been disconnected under subsection (1), it shall not be reconnected until the licensee at his discretion gives permission for reconnection, provided that the period of disconnection shall not exceed three months.

(5) Notwithstanding subsection (4), if the supply of electricity has been disconnected under subsection (2), it shall not be reconnected without the written permission of a police officer.

(6) The licensee may require the consumer to pay him for the loss of revenue due to the offence committed under subsections 61(1), (3) and (9) and any reasonable expenses directly incurred by the licensee under this section including expenses incurred in respect of reconnection of electricity in the manner as have been directed by the Commission, provided that and subject to subsection (7), if the licensee does not proceed with a claim for such loss of revenue and expenses in court, the licensee may only claim against the consumer for the said loss of revenue and expenses for a period not exceeding six months retrospectively from the date the offence was discovered under subsection (1).

(7) A written statement by an employee of the licensee duly certified by the licensee or any person authorized by the licensee specifying —

- (a) the amount of loss of revenue or the reasonable expenses incurred by the licensee;
- (b) the manner of calculation of the loss of revenue and items of expenses; and
- (c) the person liable for the payment thereof,

shall be *prima facie* evidence of the payment that has to be made by the consumer under subsection (6) and such written statement shall be notified to the consumer within fourteen working days or any period as extended with the written approval of the Commission after the disconnection.

(8) The amount stated in the written statement under subsection (7) shall, within the period specified in the statement, be due and payable to the licensee and in default of payment such amount shall be recoverable by civil action in a court.

## Liabilities unaffected

64. Except as provided in sections 25 and 27, nothing contained in this Enactment shall operate to relieve any licensee or management from any civil or criminal liability arising under this Enactment.

## Onus of proof

65. In any prosecution for an offence under subsection 61(3) proof of —

- (a) the existence of artificial means which, either alone or in conjunction with additional artificial means not found, could be used for altering, or facilitating the alteration, of the index of any meter or instrument used for registering the quantity of electricity supplied;
- (b) the existence of artificial means which, either alone or in conjunction with additional artificial means not found, would prevent, or facilitate the prevention of, any meter or instrument from duly registering the quantity of electricity supplied, or would facilitate the dishonest abstraction, consumption or use of electricity; or
- (c)
  - (i) the fitting of any mechanical or other means to;
  - (ii) the absence or removal of any part or connection from; or
  - (iii) the interference with any part or connection of, any apparatus in the circumstances that the fitting, absence, removal or interference would prevent or facilitate the prevention of any meter or other instrument from duly registering the quantity of electricity supplied, or would facilitate the dishonest abstraction, consumption or use of electricity,

shall be *prima facie* evidence that there has been dishonest alteration of the index of any meter or instrument, or prevention, abstraction, consumption or use of electricity, as the case may be, and

- (A) that the dishonest alteration, prevention, abstraction, consumption or use, as the case may be, has been carried out by —
  - (a) the person fitting the artificial or mechanical part or connection or any other such part or connection as aforesaid;
  - (b) the person removing any such part or connection as aforesaid;
  - (c) the person interfering with any such part or connection as aforesaid;
  - (d) the consumer using the meter or instrument;
  - (e) the person having control of the installation where it is fixed; or
  - (f) the occupiers of the premises on which the meter or instrument is installed; or
- (B) that the person or consumer has abetted the offence of the alteration, prevention, abstraction, consumption or use, as the case may be.

### **Compensation for damage**

**66.** (1) Any person who removes, destroys or damages whether wilfully or otherwise, any installation or any part thereof, or any public lamp or any post, bracket or other means of support of a public lamp, or any instrument used in connection with any installation for recording the output or consumption of electricity, shall, in addition to any penalty to which he may be liable under this Enactment, be liable to pay full compensation for the damage he has done and the compensation shall be recoverable by civil action or suit before any court.

(2) Without prejudice to subsection (1), any court before which a person is charged with an offence under this Enactment may assess the compensation payable under this section and may make an order for the payment of the same, and any such order may be enforced as if it were a judgment in a civil action or suit.

### **Use of supply line, etc., for purposes of communications under the Communications and Multimedia Act 1998**

**67.** (1) Notwithstanding any other provisions in this Enactment and subject to the provisions of this section and to any terms and conditions as may be prescribed, any supply line, part of an electricity supply infrastructure, installation, plant or equipment may be used for the purposes of communications under the Communications and Multimedia Act 1998 [Act 588].

(2) For the purposes of subsection (1), the Commission may issue codes, guidelines or directions.

(3) Prior to and during the operation of communications, as the case may be, the licensee, non-domestic electrical installation owner or operator, electricity consumer and the person licensed under the Communications and Multimedia Act 1998 shall comply with such regulations, codes, guidelines and directions referred to in subsections (1) and (2).

(4) The licensee, non-domestic electrical installation owner or operator and the person licensed under the Communications and Multimedia Act 1998 shall be responsible in ensuring that the provision or operation of the communications, as the case may be, is in compliance with the Enactment.

(5) Any owner or occupier of an electrical installation in a dwelling premises or electricity consumer may choose to be a customer or otherwise of communication service provided by a person licensed under the Communications and Multimedia Act 1998 who shall obtain the express consent of such owner or occupier or consumer before providing the communication service.

(6) Notwithstanding any provisions of the Communications and Multimedia Act 1998, any licensee or person licensed under the Communications and Multimedia Act 1998 who fails to comply with this section commits an offence.

## PART XII ENFORCEMENT

### **Interpretation**

**68.** In this Part, “premises” means any place, house or building, stationary or otherwise, established or set up by any person, whether such place is with or without enclosure, and includes a vehicle, aircraft, ship and any other vessel.

### **Authorized officer**

**69.** (1) The Minister may in writing authorize any public officer or officer of the Commission to exercise the powers of enforcement under this Enactment.

(2) Any such officer shall be deemed to be a public servant within the meaning of the Penal Code.

### **Authority card**

**70.** (1) There shall be issued to each authorized officer an authority card to be signed by the Commission.

(2) Whenever an authorized officer exercises any of the powers under this Enactment, he shall, on demand, produce to the person against whom the power is being exercised, the authority card issued to him under subsection (1).

### **Power of entry, inspection and examination**

**71.** An authorized officer may, for the purposes of discharging any of his

duties or carrying out any of his functions under this Enactment or any regulations made under this Enactment, or otherwise for any of the purposes of this Enactment or any regulations, enter at any reasonable time upon any premises with or without supply of electricity to inspect and examine any part of an installation or equipment, or for other proper cause.

### **Powers of investigation**

**72.** (1) The authorized officer shall have the power to investigate the commission of any offence under this Enactment or any regulations made under this Enactment.

(2) The authorized officer may, in relation to any investigation in respect of any offence committed under this Enactment or any regulations made under this Enactment, exercise the special powers in relation to police investigation except that the power to arrest without warrant given by the Criminal Procedure Code [Act 593] in any seizable offence.

### **Search and seizure with warrant**

**73.** (1) If it appears to a Magistrate, upon written information on oath and after such enquiry as he considers necessary, that there is a reasonable cause to believe that in any premises any equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof have been used or are about to be used for, or there is in any premises, evidence necessary to establish, the commission of an offence under this Enactment, the Magistrate may issue a warrant authorizing an authorized officer or police officer to whom it is directed, at any reasonable time by day or night and with or without assistance —

- (a) to enter any premises and search for, seize and detain any equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof;
- (b) to inspect, make copies of, or take extracts from, any article, book, record, account or other document so seized and detained;



- (c) to take possession of, and remove from the premises, any equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof so seized and detain it for such period as may be necessary; or
  - (d) to search any person who is in, or on, such premises, and for the purpose of the search, detain the person and remove him to such place as may be necessary to facilitate the search, and seize and detain any article, book, record, account or document found on the person.
- (2) An authorized officer or police officer acting under subsection (1) may, if it is necessary to do so —
- (a) break open any outer or inner door of the premises and enter such premises;
  - (b) forcibly enter any premises and every part thereof;
  - (c) remove by force any obstruction to the entry, search, seizure, detention or removal that he is empowered to effect; or
  - (d) detain any person found on any premises searched under subsection (1) until the search is completed.
- (3) No person shall be searched except by another person of the same gender, and such search shall be conducted with strict regard to decency.
- (4) If, by reason of its nature, size or amount, it is not practicable to remove any equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof seized under this section, the authorized officer or police officer making the seizure shall, by any means, seal such equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof.
- (5) Any person who, without lawful authority, breaks, tampers with or damages the seal referred to in subsection (4) or removes the equipment, instrument, article, book, record, account, document, goods, thing, installation

or part thereof under seal or attempts to do so commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding six months or to both, and in the case of a continuing offence, to a further fine not exceeding two thousand ringgit for every day or part of a day during which the offence continues after conviction.

### **Search and seizure without warrant**

**74.** If an authorized officer or police officer is satisfied upon information received that he has reasonable cause to believe that by reason of delay in obtaining a search warrant under section 73 the investigation would be adversely affected or evidence of the commission of an offence is likely to be tampered with, removed, damaged or destroyed, the authorized officer or police officer may enter the premises and exercise in, upon and in respect of the premises all the powers referred to in section 73 in as full and ample a manner as if he were authorized to do so by a warrant issued under that section.

### **Access to computerized data**

**75.** (1) An authorized officer or police officer conducting a search under this Enactment shall be given access to computerized data whether stored in a computer or otherwise.

(2) For the purposes of this section, the authorized officer or police officer shall be provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable the comprehension of computerized data.

### **List of things seized**

**76.** (1) Except as provided under subsection (2), where any equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof is seized under this Enactment, the seizing officer shall prepare

a list of the things seized and immediately deliver a copy of the list signed by him to the occupier of the premises which have been searched, or to his agent or servant, at the premises.

(2) Where the premises are unoccupied, the seizing officer shall whenever possible post a list of the things seized conspicuously on the premises.

### **Power to require attendance of person acquainted with case**

**77.** (1) An authorized officer making an investigation under this Enactment may, by order in writing, require the attendance before himself of any person who appears to the authorized officer to be acquainted with the facts and circumstances of the case, and such person shall attend as so required.

(2) If the person refuses or fails to attend as so required, the authorized officer may report such refusal or failure to a court who shall issue a summons to secure the attendance of such person as may be required by the order made under subsection (1).

### **Examination of person acquainted with case**

**78.** (1) An authorized officer making an investigation under this Enactment may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to the case put to him by the authorized officer, but he may refuse to answer any question the answer to which would have a tendency to expose him to criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to the question.

(4) An authorized officer examining a person under subsection (1) shall

first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by any person under this section shall, whenever possible, be reduced into writing and signed by the person making it or affixed with his thumbprint, as the case may be —

- (a) after it has been read to him in the language in which he made it; and
- (b) after he has been given an opportunity to make any correction he may wish.

### **Admissibility of statements in evidence**

**79.** (1) Except as provided in this section, no statement made by any person to an authorized officer in the course of an investigation made under this Enactment shall be used in evidence.

(2) When any witness is called for the prosecution or for the defence, other than the accused, the court shall, on the request of the accused or the prosecutor, refer to any statement made by that witness to an authorized officer in the course of an investigation under this Enactment and may then, if the court thinks fit in the interest of justice, direct the accused to be furnished with a copy of it and the statement may be used to impeach the credit of the witness in the manner provided by the Evidence Act 1950 [Act 56].

(3) Where the accused had made a statement during the course of an investigation, such statement may be admitted in evidence in support of his defence during the course of the trial.

(4) Nothing in this section shall be deemed to apply to any statement made in the course of an identification parade or falling within section 27 or paragraphs 32(1)(a), (i) and (j) of the Evidence Act 1950.

(5) When any person is charged with any offence in relation to —

- (a) the making; or

(b) the contents,

of any statement made by him to an authorized officer in the course of an investigation made under this Enactment, that statement may be used as evidence in the prosecution's case.

### **Forfeiture or release of equipment, instrument, etc., seized**

**80.** (1) Any equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof seized in exercise of any power conferred by this Enactment shall be liable to forfeiture.

(2) An order for the forfeiture of any equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof shall be made if it is proved to the satisfaction of the court that an offence under this Enactment has been committed and that the equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof was the subject matter of or was used in the commission of the offence, even though no person may have been convicted of such offence.

(3) If there is no prosecution with regard to any equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof seized under this Enactment, such equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof shall be taken and deemed to be forfeited at the expiration period of one calendar month from the date of service of a notice to the last known address of the person from whom the equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof was seized indicating that there is no prosecution in respect of such equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof unless before the expiration of that period a claim thereto is made in the manner set out in subsections (5), (6), (7) and (8).

(4) If no claim is made under subsection (5) within thirty days from the date of service of the notice referred to in subsection (3), the equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof seized under this Enactment shall be taken and deemed to be

forfeited at the expiration of that period.

(5) Any person asserting that he is the owner of the equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof referred to in subsection (3) and that it is not liable to forfeiture may personally or by his agent authorized in writing, give written notice to the authorized officer in whose possession such equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof is held that he claims the equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof.

(6) On receipt of the notice referred to in subsection (5), the authorized officer shall refer the claim to a Magistrate.

(7) The Magistrate to whom a matter is referred under section (6) shall issue a summons requiring —

- (a) the person asserting that he is the owner of the equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof; and
- (b) the person from whom the equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof was seized,

to appear before him, and when they appear or they fail to appear, due service of the summons having been proved, the Magistrate shall proceed to the examination of the matter.

(8) If it is proved that an offence under this Enactment has been committed and that equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof was the subject matter of or was used in the commission of such offence, the Magistrate shall order the equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof to be forfeited, and shall, in the absence of such proof, order its release.

(9) Any equipment, instrument, article, book, record, account, document,

goods, thing, installation or part thereof forfeited or deemed to be forfeited shall be delivered to the Commission and shall be disposed of in accordance with the directions of the Magistrate.

### **Cost of holding equipment, instrument, etc., seized**

**81.** If any equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof seized under this Enactment is held in the custody of the Government or the Commission pending completion of any proceedings in respect of an offence under this Enactment, the cost of holding it in custody shall, in the event of any person being found to commit an offence, be a debt due to the Government or the Commission, as the case may be, by such person and shall be recoverable accordingly.

### **No cost or damages arising from seizure to be recoverable**

**82.** No person shall, in any proceedings before any court in respect of any equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof seized in the exercise or the purported exercise of any power conferred under this Enactment, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.

### **Obstruction**

**83.** Any person who —

- (a) refuses any authorized officer or police officer access to any premises which the authorized officer or police officer is entitled to have under this Enactment or in the execution of any duty imposed or power conferred by this Enactment;
- (b) assaults, obstructs, hinders or interferes with any authorized officer or police officer in the execution of his duty imposed or power conferred by this Enactment;

- (c) refuses to give any authorized officer or police officer any information relating to an offence or suspected offence under this Enactment or any other information which may reasonably be required of him and which he has in his knowledge or power to give; or
- (d) knowingly give false information,

commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both, and in the case of a continuing offence, to a further fine not exceeding one thousand ringgit for every day or part of a day during which the offence continues after conviction.

#### **Authorized officer may seek assistance to examine things relating to offence**

**84.** An authorized officer may seek the assistance from any person who has the necessary qualifications to examine the equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof seized or retained under this Enactment for the purposes of an investigation under this Enactment.

#### **Reward for information**

**85.** In the case of a conviction involving a fine, the court imposing the fine may, on the application of the officer conducting the prosecution, direct the payment of any part of the fine but not exceeding half of such fine in such proportion as the court deems fit to the person who gave the information leading to the conviction.

### **PART XIII**

#### **GENERAL**

#### **Offences committed by body corporate**

**86.** (1) Where a body corporate commits an offence under this Enactment,



any person who at the time of the commission of the offence was a director, chief executive officer, chief operating officer, manager, secretary or other similar officer of the body corporate or was purporting to act in such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in such management —

- (a) may be charged severally or jointly in the same proceedings with the body corporate; and
- (b) if the body corporate is found to have committed the offence, shall be deemed to have committed that offence unless having regard to the nature of his functions in that capacity and to all circumstances, he proves —
  - (i) that the offence was committed without his knowledge, consent or connivance; and
  - (ii) that he had taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.

(2) If any person would be liable under this Enactment to any punishment or penalty for his act, omission, neglect or default he shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any employee or agent of his, or of the employee of such agent if the act, omission, neglect or default was committed —

- (a) by that person's employee in the course of his employment;
- (b) by the agent when acting on behalf of that person; or
- (c) by the employee of such agent in the course of his employment or otherwise on behalf of the agent.

### **Compounding of offences**

**87.** (1) The Chief Executive Officer may compound any offence committed by any person under this Enactment which prescribed to be a compoundable offence by making a written offer to such person to compound the offence on payment to the Commission of an amount not exceeding fifty per cent of

the amount of the maximum fine for that offence within the time specified in the offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted.

(3) If the amount specified in the offer made under subsection (1) is not paid within the time specified in the offer or within such extended period as the Commission may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made, and the equipment, instrument, article, book, record, account, document, goods, thing, installation or part thereof seized in connection with the offence may be released or forfeited by the Chief Executive Officer, subject to such terms and conditions as he thinks fit.

(5) All sums of moneys received by the Commission under this section shall be paid into and form part of the State Consolidated Fund.

### **Prosecution**

**88.** No prosecution shall be instituted for an offence under this Enactment except by or with the consent in writing of the Public Prosecutor.

### **General penalty**

**89.** (1) Any person who commits an offence under this Enactment for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both, and in the case of a continuing offence, to a further fine not exceeding one thousand ringgit for every day or part of a day during which the offence continues after conviction.

(2) Any body corporate which commits an offence under this Enactment for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit, and in the case of a continuing offence, to a further fine not exceeding five thousand ringgit for every day or part of a day during which the offence continues after conviction.

### **Precautions in execution of work**

**90.** (1) The execution of all work in connection with the generation, transmission, distribution or supply of electricity which may affect any street, railway, tramway, river, canal or other waterway or any system of irrigation, drainage or water supply or any communications, harbour works or other public or private works, and the erection of any supply line crossing, whether overhead or underground, shall be carried out in the prescribed manner and without prejudice to public or private safety.

(2) Any person who contravenes or fails to comply with this section commits an offence under this Enactment.

### **Audit of licensees or non-domestic electrical installations owners or operators**

**91.** (1) The Commission may conduct an audit at any time or at such intervals as determined by it require a licensee or non-domestic electrical installation owner or operator to appoint at their own cost an independent expert to audit on any matter under Part IV and safety of installations and equipment under Part IX of this Enactment or any information which a licensee or non-domestic electrical installation owner or operator furnishes to the Commission.

(2) The audit shall be conducted in accordance with any codes, guidelines or directions issued by the Commission under this Enactment.

(3) The Commission may determine the class or category of licensee or non-domestic electrical installation owner or operator that are subject to an audit.

(4) The licensee or non-domestic electrical installation owner or operator shall establish to the satisfaction of the Commission that such independent expert referred to in subsection (1) has the necessary qualification and competence.

(5) The licensee or non-domestic electrical installation owner or operator shall forward a copy of a report of such audit to the Commission within the time as specified by the Commission.

(6) A licensee or non-domestic electrical installation owner or operator who —

- (a) fails to furnish any information as may be required by the Commission under section 108;
- (b) intentionally alters, suppresses or destroys any document or information which he has been required by written notice to produce; or
- (c) refuses to assist or facilitate, or obstructs the Commission, its authorized officers or appointed consultants in conducting an audit under this section,

commits an offence.

### **Determination of standards of installation or equipment**

**92.** The Commission may determine the standards applicable to any installation or equipment and such standards as may be prescribed in the regulations, codes or guidelines made or issued under this Enactment.

### **Keeping of records and documents**

**93.** A licensee, non-domestic electrical installation owner or operator, registered manufacturer or importer, registered private wiring unit, registered electrical services contractor, registered electrical sign contractor, registered switch board manufacturer, registered electrical contractor, registered training

and examination center or institution and registered conformity assessment body shall keep records and documents in respect of matters and for a period of time as may be prescribed.

### **Electrical interference with Government or Federal Government signalling lines**

**94.** (1) If the Commission is satisfied that the working or operation of any installation, metering infrastructure, telemetering, application of communications over supply lines, causes electrical interference with any communications or other electrical signalling process or circuit owned or operated by or on behalf of the Government or Federal Government, the Commission shall call upon the owner or licensee to abate the interference, and if, within a period of fourteen days or such longer period as the Commission considers reasonable in any particular circumstances the interference has not been effectually abated, the Commission shall report the matter to the Minister who may in his discretion —

- (a) in the case of a licensed installation, order the suspension of the licence;
- (b) in the case of an unlicensed installation, by order, prohibit the working or operation thereof; or
- (c) in the case of any other installation, by order, prohibit the working or operation of such part thereof which causes the electrical interference,

until arrangements have been made to the satisfaction of the Commission for preventing the recurrence of such electrical interference as aforesaid, and if, in the case of a licensed installation, no such arrangements have been made, then the Minister may order that the licence for the said installation be revoked absolutely.

(2) For any loss caused to a licensee by the suspension or revocation of a licence under this section the licensee may claim compensation from the Government or Federal Government, as the case may be, provided that no claim shall be allowed and no compensation shall be paid where

the electrical interference referred to in subsection (1) has been caused by an installation which does not comply with any regulation for regulating electrical interference made under any written law relating to telegraphs for the time being in force.

(3) If the claim be allowed, the compensation shall, unless settled by mutual agreement of the Government or Federal Government, as the case may be, and the licensee, be determined by the court.

### **Precautions against atmospheric electricity**

**95.** Any department of the Government or Federal Government or any other consumer taking or using electricity from any installation shall, if the Commission so requires, provide such means for obviating any risk of damage to such installation by atmospheric electricity as may be directed by the Commission or as may be prescribed by regulations made under this Enactment.

### **Restriction of connection with the earth**

**96.** (1) No person shall, in the generation, transmission, distribution, supply or use of electricity, permit any part of his supply lines to be connected with the earth except as may be prescribed by regulations made under this Enactment, provided in the relevant codes issued under this Enactment or be expressly permitted by the Commission.

(2) In the event of any breach of subsection (1), the Commission may by written order require the licensee or owner to remove the connection and may prohibit the use of any supply line or works or installation until the order is complied with, and every such order shall be complied with by the person concerned.

### **Procedure in case of dangerous defect in installation or part thereof**

**97.** (1) Subject to subsection (2), in the event of the Commission finding that

there is in any installation or part thereof any defect which in the opinion of the Commission is likely to cause danger, the Commission may, by notice in writing served upon the licensee or owner thereof, or if such licensee or owner cannot be found, posted at the place where the installation is located, require the defect to be made good or removed within such period as may be specified in the notice, and in such case the installation or part thereof shall not be operated or used after the expiration of the period specified unless the defect has been made good or removed according to the standard or prudent utility practices as may be determined by the Commission.

(2) If the Commission is of the opinion that the defect is likely to cause immediate danger, the Commission may, by notice posted or served as aforesaid, forthwith suspend the operation and use of the installation, and if necessary seal the installation or part thereof until the defect is made good or removed and the installation or part thereof shall not be operated or used so long as the notice of suspension remains unrevoked and the seal is not removed by authorized officer.

(3) Every licensee and every management and person in charge of any installation upon being aware of any defect therein which is likely to cause danger shall forthwith make good or remove the defects, and every consumer upon being aware of any defect in any equipment which is likely to cause danger shall forthwith make good or remove the defect, or make a report thereof to the Commission.

(4) If in the opinion of the Commission any defect in an installation in respect whereof a licence is in force is of a nature that it cannot be made good or removed, the Commission shall hold an enquiry and, if the Commission considers it necessary so to do, shall revoke the licence.

(5) The licensee or owner shall not be entitled to compensation for any loss caused to the licensee or owner by the suspension of operation and use of, and the sealing of any installation or part thereof or by the suspension or revocation of a licence under this section.

(6) Any person who contravenes or fails to comply with subsections (1),

(2) and (3) commits an offence under this Enactment.

### **Prohibition of employment of children**

**98.** (1) No licensee or management shall employ or permit to be employed any person under the age of sixteen years in any service involving management of or attendance on or proximity to live equipment not effectively insulated.

(2) Any person who contravenes this section commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit.

### **Development of codes by the Commission and compliance of the codes**

**99.** (1) The Commission may, with the approval of the Minister, develop and issue codes relating to the generation, transmission, distribution, supply and use of electricity and for electrical safety.

(2) The Commission may develop and issue such additional codes as it deems fit and expedient or as the Minister may from time to time direct, as the case may be.

(3) All codes developed and issued pursuant to this section shall only be effective upon registration by the Commission.

(4) All licensees and non-domestic electrical installation owners or operators shall comply with the codes.

(5) Unless otherwise determined by the Commission, in ensuring reliability, safety and security of the electricity networks, the codes issued under this section shall take precedence over any agreement that may exist between the parties mentioned in subsection (4).

### **Retention of documents by Commission**

**100.** (1) Any licensee or non-domestic electrical installation owner or



operator upon being directed by the Commission shall furnish document to the Commission failing which the Commission may take possession of the document.

(2) Any document furnished to or taken by the Commission under subsection (1) may be retained as long as necessary by the Commission.

(3) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Commission to be a true copy.

(4) Until a certified copy is supplied, the Commission may, at such times and places as the Commission thinks appropriate, permit the person otherwise entitled to possession of the document or a person authorized by that person, to inspect and make copies of or take extracts from the document.

(5) If the Commission is satisfied that the retaining of the documents is no longer necessary, the Commission may as soon as practicable return the documents to the person who provided the documents under subsection (1).

### **Guidelines or directions by Commission**

**101.** (1) The Commission may, from time to time, issue guidelines or directions on any matter as provided under this Enactment to any licensee, non-domestic electrical installation owner or operator, registered manufacturer or importer, competent person or any other person.

(2) The Commission may, from time to time, issue any direction in writing to any licensee, non-domestic electrical installation owner or operator, registered manufacturer or importer, competent person or any other person on the compliance or non-compliance of the Enactment or any regulations made under the Enactment, conditions of licences, including the remedying of a breach of a licence condition or on any other matter requiring the making of a direction or specifically to be made the subject of a direction under this Enactment in accordance with such procedures as may be prescribed.

(3) The guidelines or directions issued by the Commission under this section shall be registered and shall be effective from the date of such registration or such later date as the Commission may specify in the guidelines or directions.

(4) A licensee, non-domestic electrical installation owner or operator, registered manufacturer or importer, competent person or any other person shall comply with the guidelines and directions.

### **Variation, review or revocation of codes, guidelines or directions by the Commission**

**102.** (1) The Commission may vary, review or revoke any codes, guidelines or directions issued under this Enactment.

(2) The procedures set out in subsections 101(3) and (4) shall apply in respect of any variation, review or revocation of the codes, guidelines or directions.

### **Offence for non-compliance with codes, guidelines or directions of the Commission**

**103.** A person who fails to comply with any codes, guidelines or directions of the Commission issued under this Enactment commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

### **Register of codes, guidelines or directions**

**104.** The Commission shall maintain a register of all codes, guidelines or directions issued by the Commission under this Enactment, including any variation, review or revocation of the codes, guidelines or directions.

### **Special powers of emergency**

**105.** (1) The Yang di-Pertuan Agong may on the occurrence of any industrial

unrest, strike, lock-out or any other event which gives rise to an emergency or in the interest of public safety, authorize the Commission to —

- (a) suspend the licence of any licensee, take temporary possession of any installation of such licensee and operate it in such manner as the Commission deems fit; or
- (b) withdraw either partially or totally the use of any installation or facility from any person or class of persons or from the public at large.

(2) If any doubt arises as to the existence of an emergency or whether any act done under subsection (1) was in the interest of public safety, a certificate signed by the Yang di-Pertuan Agong and exhibited at such places as the Minister deems fit shall be conclusive proof on the point.

#### **Power to declare sources of water**

**106.** (1) Subject to the provisions of the Sabah Water Resources Enactment 1998 [No.6 of 1998], the Minister may, at the request of the Commission on behalf of any licensee, by order, declare any lake, river or waterway or any part thereof to be a source of water for the purposes of the licensee as stipulated in the terms and conditions of his licence and, in making the declaration, the Minister may impose such conditions and restrictions as he deems fit.

(2) Notwithstanding anything contained in any written law, no person shall dam up or otherwise interfere with any such source of water without first serving on the licensee either personally or by registered post a three months' notice, in such form as may be prescribed, specifying the work he proposes to undertake.

(3) At any time before the expiration of the time specified in the notice, the licensee may, if he considers that the work referred to in subsection (2) will materially affect his functions, by notice in writing served on the person, either personally or by registered post —

- (a) prohibit the person from proceeding with the work; or

(b) attach conditions to the undertaking of the work by the person.

(4) Any person dissatisfied with the action taken by the licensee under subsection (3) may appeal to the Minister whose decision shall be final.

(5) Any person who —

(a) dams up or otherwise interferes with any source of water declared under subsection (1) without serving the notice required by subsection (2);

(b) undertakes any work prohibited under this section; or

(c) fails to comply with any conditions imposed under this section,

commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit, and in the case of a continuing offence, to a further fine not exceeding five hundred ringgit for every day or part of a day during which the offence continues after conviction.

(6) Notwithstanding any declaration made under subsection (1), nothing in this section shall affect any licence granted not less than twenty-five years before the date of the declaration under any written law to divert water from any lake, river or waterway, for the purpose of a public installation, the holder of which has not, in the opinion of the Minister, made reasonable use, for the purposes of the installation, of the rights arising out of the licence in connection with any lake, river, waterway or part thereof declared to be a source of water.

### **Supply infrastructure information security**

**107.** (1) Any licensee as directed by the Commission providing supply of electricity to consumers shall be responsible for the preservation of confidentiality, integrity and availability of its information, information systems and supporting network infrastructure pertaining to its duties and other matters as provided under this Enactment.

(2) The licensee shall —

- (a) take the necessary measures, establish and implement standards and employ the relevant information security controls to prevent, avoid, remedy, recover or restore its information, document, instrument or records stored in its computers and for its operational system by its computers from any risk of —
  - (i) threat or unauthorized access; and
  - (ii) intrusion or removal;
- (b) take necessary measures to ensure the resiliency of its supporting network infrastructure to minimize business impact against various threats to its activities under the licence; and
- (c) ensure that the reliability, continuity and quality of electricity supply, its performance of duties and conformity to the provisions of this Enactment and any regulations made under this Enactment shall not be jeopardized thereby,

and shall report to the Commission within the time specified by the Commission, and in the event of any incident which interferes or affects the performance of the activities under the licence, report such incident immediately to the Commission and other relevant authorities.

(3) Any licensee who fails, neglects to comply with or contravenes any provision of this section commits an offence and shall, on conviction, be liable to a fine not exceeding three hundred thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(4) For the purposes of this section —

“information security controls” refers to means of managing risk, including policies, procedures, guidelines, practices or organizational structures, which can be administrative, technical, management or legal in nature;

“resiliency” means an ability of an organization to resist being affected by an incident; and

“supporting network infrastructure” refers to relevant connection, network devices, hardware and software that provides network services in supporting business functions.

### **Obligation to give information**

**108.** (1) The Commission may authorize any of its officer to obtain any information pertaining to the licensee or any other person under this Enactment and shall be given access to such information whether stored in a computer or otherwise.

(2) Any officer authorized by the Commission under subsection (1) shall have the power to require the production of records, accounts, data, computerized data and documents kept by a licensee or any other person and to inspect, examine and to download from them, make copies of them or take extracts from them.

(3) For the purposes of this section, “access” includes being provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable comprehension of computerized data.

(4) Any person who refuses to give any information which may reasonably be required of him under subsection (1) and which he has in his knowledge or power to give commits an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

### **Exemptions**

**109.** (1) The Minister may, upon the recommendation of the Commission, by notification in the *Gazette*, exempt from any or all of the provisions of this Enactment or any regulations made or codes issued under this Enactment for any period as specified —

(a) any installation or part thereof owned by or worked by or on

behalf of licensee; or

(b) any other particular class of installation, plant or equipment, and may, by similar notification, cancel any exemption so notified.

(2) The Commission may recommend to the Minister the conditions to be applicable to an exemption granted under subsection (1).

(3) Except as otherwise provided in the exemption, an exemption under subsection (1) may be varied or revoked.

### **Power to make regulations**

**110.** (1) The Minister may make regulations in respect of any matter which may be prescribed under this Enactment and in particular —

- (a) the procedures for the Commission in the exercise of its functions, duties and powers under this Enactment;
- (b) the intervals, times and manner in which any installation or equipment shall be inspected, the notice (if any) to be given in relation to inspections and the preparations to be made by the licensee or any management for inspections;
- (c) the minimum standards and specifications which shall be used in the design, construction, protection and maintenance of installations and equipment, the conditions under which any installation or equipment shall be worked or operated and the prohibition of the use of dangerous equipment;
- (d) the manner in which electricity shall be measured and the standards of measurement which shall be employed and the manner in which electricity is permitted to be, or is prohibited from being supplied or used;
- (e) the standards to be adopted for measurement of the dimensions of any installation or equipment;

- (f) the manner of regulation and the limits of variation of the nature, voltage and frequency of the electricity supplied;
- (g) the class or design of wires, fittings and equipment to be used and the manner in which the wires, fittings and equipment shall be erected, fixed, arranged, protected, controlled, inspected, tested and maintained;
- (h) the fees to be paid for licences and Certificates of Registration of installations and any other fee which is required to be prescribed under this Enactment;
- (i) the form and period of validity of Certificates of Registration and the conditions for suspension, extension and revocation of Certificates of Registration;
- (j) the minimum qualifications to be possessed by persons before they may be entrusted with the design, construction, erection, testing, operation, maintenance, repair or alteration of any installation, plant or equipment or with the charge, control or operation of any installation, plant or equipment;
- (k) the nature of tests to be employed for ascertaining whether any person possesses the necessary qualifications prescribed for the purpose of competent control and other purposes, and the issue, suspension or revocation of certificates of competency, and to prescribe fees to be paid for such tests and certificates;
- (l) the registration and classification of private wiring unit, electrical contractors, electrical services contractors, electrical repair contractors, electrical sign contractors, switch board manufacturers and competent persons, and to prescribe fees for such registration;
- (m) the measures to be taken and the equipment to be supplied and used in connection with installations in order to secure public and private safety;
- (n) the precautions to be taken on the relief of any person in the control of any installation, plant or equipment and the manner



of notifying to the Commission the names and qualifications of any person placed in the control of any installation and of the operation of any plant or equipment;

- (o) the manner of calculating the capacity of any system, installation, equipment, cable, generating unit or motor;
- (p) the manner of determination of disputes and holding enquiries under this Enactment;
- (q) the form of notices and the manner of service thereof;
- (r) the appraisal and approval, where necessary, of any domestic or other equipment to be manufactured, imported, displayed, sold, advertised, installed or used and to prescribe fees to be paid thereof;
- (s) the provisions for the licensees with respect to matters pertaining to —
  - (i) the inspection of any installation or part thereof;
  - (ii) the erection and fixing of public lamps;
  - (iii) the disconnection of supplying of electricity; and
  - (iv) any other matter connected therewith;
- (t) the submission of financial statements and audited reports by the licensees;
- (u) the manner of execution of works in connection with the generation or supply of electricity without prejudice to public or private safety;
- (v) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any nuisance likely to arise or arising from the working of any installation, plant or equipment;
- (w) the fees payable in respect of the inspection, testing and maintenance of consumers' installations and apparatus, of the

fixing and testing of meters, and in respect of any other service properly rendered on account of consumers;

- (x) the regulation of the licensee and consumer relationship such as provisions on the recovery of charges for electricity supply including any surcharges for late payment, the annual interest payable by a licensee to any person for any security given and any rates or conditions connected thereto, connection, disconnection or restoration of supply by the licensee, entry into any premises by the licensee or his authorized officers for purposes related to the supply, connection, disconnection or restoration of supply, entry for purposes of replacing, repairing or altering any electricity line or electrical plant or equipment and the form of any notice required;
- (y) the standards, specifications, practices and measures to be adopted and any other matter relating to the efficient use of electricity;
- (z) the standards, specification, practices and measures to be adopted and any other matters relating to power quality;
- (aa) matters relating to metering, prepaid metering, metering infrastructure, telemetering, equipment, electrical product and consumer electrical equipment;
- (bb) matters relating to use of supply line for the purposes of communications as set out under section 67;
- (cc) in respect of the import and manufacture of consumer electrical equipment, the registration of importers and manufacturers and conformity assessment bodies pertaining to the consumer electrical equipment, training and examination center or institution and to prescribe fees for such registration;
- (dd) matters relating to the Electricity Fund;
- (ee) matters relating to the licensing under the Enactment;
- (ff) all functions, duties and responsibilities of the System Operator

and the Single Buyer;

- (gg) the revision of the safety management plan and safety management programme and for the audit of the licensee and non-domestic installation owner or operator;
- (hh) the fees payable in respect of efficient use of electricity by equipment and approval thereof;
- (ii) matters relating to registration of person providing service relating to efficient use of electricity and the payment of fees for processing application and registration;
- (jj) matters and period of time for keeping of records and documents; and
- (kk) any other matter generally to give effect to the provisions of this Enactment.

(2) Any regulations made under subsection (1) may prescribe any act in contravention of the regulations to be an offence and may prescribe a fine not exceeding one hundred thousand ringgit or imprisonment for a term not exceeding two years, or both, for such offence.

#### PART XIV

#### SAVINGS AND TRANSITIONAL

##### **Savings and transitional**

**111.** (1) For the purpose of this section, “Act” means the Electricity Supply Act 1990 [Act 447].

(2) Any order, code, guideline, direction or notification made or issued under the Act and in force or having effect before the date of coming into operation of this Enactment shall be deemed to have been made or issued under this Enactment and shall continue to remain in full force and effect in relation to the person to whom the order, code, guideline, direction or notification is applied until amended or revoked.

(3) Any application, approval, licence, certificate, registration, consent, decision, permission, specification, recommendation, requirement or other executive act granted or done under the Act in force or having effect before the date of coming into operation of this Enactment shall be deemed to have been granted or done under this Enactment and shall continue to remain in full force and effect in relation to the person to whom the application, approval, licence, certificate, registration, consent, decision, permission, specification, recommendation, requirement or other executive act is applied until amended or revoked.

(4) Any pending appeal to the Minister under section 18 of the Act and its subsidiary legislation shall be continued or completed under the Act.

(5) Any pending application, approval or decision made under the Act before the date of coming into operation of this Enactment shall be dealt with by the Commission under this Enactment.

(6) All transactions, financial securities, dealings, contracts, powers of attorney or arrangements lawfully executed or entered into and all business lawfully done under the Act with any person shall be deemed to have been lawfully and validly executed, entered into or done under this Enactment.

(7) This Enactment shall not affect any person's liability to be investigated, prosecuted or punished for offences committed under the Act before the date of coming into operation of this Enactment.

(8) Any pending legal proceedings, criminal prosecution or investigation shall be continued under the Act under which the proceedings were instituted as if this Enactment had not been enacted.

(9) Any prescribed fee paid for any application under the Act or its subsidiary legislation immediately before the date of coming into operation of this Enactment shall not be refunded.

### **Existing projects**

**112.** (1) The Federal Government shall continue to have executive authority with respect to the projects on electricity and matters relating to it, subsisting immediately before the date of coming into operation of this Enactment, as described in column (1) and at the location as specified in column (2) of the Fourth Schedule.

(2) Any deviation of the description of the projects in column (1) of the Fourth Schedule shall not invalidate or affect the legality of its implementation in so far as the deviation has no substantial effect and is not calculated to mislead.

Sabah Lawnet

FIRST SCHEDULE  
[Subsection 19(3)]

ELECTRICITY SUPPLY ENACTMENT 2024

*NOTICE OF INTENTION TO ENTER AND DO WORK ON LAND ON NON-STATE  
LAND UNDER SECTION 19*

To:

Title or other description of land.....

Take notice that I/we.....of...being the holder of a licence dated...under the Electricity Supply Enactment 2024 am/are desirous of entering the above-mentioned land for the purpose of (*here set out as fully and accurately as possible what is intended to be done*).

Within fourteen days from the date of receipt of this notice you may lodge an objection in writing with the Collector at.....

The Collector has appointed.....as the day upon which objections will be heard.

Unless you lodge an objection within the specified time it will be presumed that you have consented to my/our entering on the land on the terms of this notice.

You will be paid proper compensation for any damage done.

Dated this..... day of .....20.....

.....  
*Licensee*

SECOND SCHEDULE

[Subsection 19(8)]

ELECTRICITY SUPPLY ENACTMENT 2024

ORDER OF THE COLLECTOR IN RESPECT OF OBJECTION ON THE ENTRY ON  
NON-STATE LAND

To:

In the matter of an enquiry held under subsection 19(7) of the Electricity Supply Enactment 2024 between the licensee and the owner of the land situated on Lot No..... , Title No....., District of.....

An enquiry has been held on..... before.....the Collector.....in the presence of.....on behalf of the licensee and..... on behalf of the land owner.

After holding the enquiry it is hereby ordered as follows:

- \*(a) the licensee is allowed to enter the said land to do the works as specified in the notice issued under subsection 19(3) of the Electricity Supply Enactment 2024.
- \*(b) the licensee is allowed to enter the said land to do the works as specified in the notice issued under subsection 19(3) of the Electricity Supply Enactment 2024 subject to the following conditions:
  - (i)
  - (ii)
  - (iii)
  - (iv)

*(state the conditions)*

- \*(c) the licensee is not allowed to enter the said land to do the works specified in the notice issued under subsection 19(3) of the Electricity Supply Enactment 2024.

Dated this .....day of .....20.....

.....  
*Collector*

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*\*delete whichever is not applicable*

THIRD SCHEDULE  
[Subsection 24(1)]  
ELECTRICITY SUPPLY ENACTMENT 2024  
ASSESSMENT

To:

In the matter of an enquiry for the payment of compensation under section 19\* or 21\* of the Electricity Supply Enactment 2024 between the licensee and the owner of the land situated on Lot No....., Title No....., District of.....

An enquiry has been held on.....before.....the Collector.....in the presence of..... on behalf of the licensee and ..... on behalf of the land owner.

After holding the enquiry it is hereby ordered that the compensation payable by the licensee to the land owner is as follows:

Dated this ..... day of..... 20.....

.....  
*Collector*

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*\*delete whichever is not applicable*

FOURTH SCHEDULE  
[Section 112]

(1) <i>Project</i>	(2) <i>Location</i>
1. Projek Penguahan Sistem Penghantaran Elektrik Melalui Pembinaan Punca 132kV Bagi Pencawang Masuk Utama Tg. Lipat, Kota Kinabalu, Sabah	Tg. Lipat, Kota Kinabalu
2. Projek Penguahan Sistem Penghantaran Melalui Pembinaan Pencawang Masuk Utama 132kV Kota Kinabalu, Sabah	Kota Kinabalu



3. Projek Pengukuhan Sistem Penghantaran Elektrik Melalui Pembinaan Punca 132kV Bagi Pencawang Masuk Utama Apas, Tawau, Sabah Apas, Tawau
4. Projek Penghantaran - 132/33/11kV PMU UMS, 2X90Mva, Sabah Universiti Malaysia Sabah, Kota Kinabalu
5. Projek Penghantaran - 132/33/11kV PMU Penampang 2X90Mva, Sabah Penampang
6. Projek Pembahagian - PPU Kuhara (Sj Tawau), Tawau, Sabah Tawau
7. Projek Pembahagian - SSU Pirasan, Kota Belud, Sabah Kota Belud
8. (1) Projek Pembahagian - PPU Sri Indah Dan Menaik Taraf Sistem 33kV & 11kV Di PPU Wakuba Tawau Wakuba, Tawau
- 9 (2) Menyiapkan Baki Kerja Projek Pembahagian – Pembinaan PPU Sri Indah Dan Menaik Taraf Sistem 33kV & 11kV Di PPU Wakuba, Tawau, Sabah Wakuba, Tawau
10. Projek Penghantaran: 132/33/11kV PMU Inanam, Kota Kinabalu, Sabah Inanam
11. Projek Penghantaran: 132/33kV PMU Bukit Nenas, Sandakan, Sabah Bukit Nenas, Sandakan
12. (1) Projek Pembahagian: PPU Gudon/ Telipok, Kota Kinabalu, Sabah Gudon/ Telipok, Kota Kinabalu
13. (2) Menyiapkan Baki Kerja Projek Pembahagian: PPU Gudon/ Telipok, Kota Kinabalu, Sabah Gudon/ Telipok, Kota Kinabalu
14. Projek Pembahagian - PPU Batu Sapi, Sandakan Batu Sapi, Sandakan
15. Projek Pembahagian: PPU Tambalugu, Tuaran, Sabah Tambalugu, Tuaran
16. Projek Pembahagian: Pengubahan Punca Bekalan PPU Sembulan, Kota Kinabalu, Sabah Sembulan, Kota Kinabalu
17. Projek Pembahagian: Pengubahan Punca Bekalan PPU Sipitang, Sipitang, Sabah Sipitang, Sipitang

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| 18. | Projek Pembahagian:<br>Menaiktaraf Sistem 33kV &11kV Di PPU<br>Tshun Nyen, PPU Sim-Sim Dan SSU Sibuga,<br>Sandakan, Sabah   | Sibuga, Sandakan      |
| 18. | Projek Pembahagian:<br>Menaiktaraf Sistem 33kV &11kV Di PPU<br>Tshun Nyen, PPU Sim-Sim Dan SSU Sibuga,<br>Sandakan, Sabah   | Sibuga, Sandakan      |
| 19. | Projek Pembahagian: Penambahbaikan<br>Kapasiti Transformer PPU Sri Perdana dan<br>Pembinaan PPU First Palm City, Lahad Datu,<br>Sabah   | Sri Perdana           |
| 20. | Projek Penghantaran: 132/33/11kV PMU<br>Karamuning, Kota Kinabalu, Sabah  | Karamuning            |
| 21. | Projek Penghantaran : Labuan – Sipitang<br>132kV Interconnector (Phase 1 Upgrading<br>Pmu Beaufort To 275kV) Pakej 1<br><br>- Menaiktaraf Talian Penghantaran Beaufort<br>– Papar Ke 275kV, Pmu Papar Dan PPU<br>Beaufort (Reka Dan Bina) - (Peringkat<br>Penilaian Tender Untuk Lantikan Kontraktor) | Papar and Beaufort    |
| 22. | Projek Penghantaran : Labuan-Sipitang<br>Interconnector Pakej 2: Projek Sambungtara<br>Sabah Dan Sarawak (Reka & Bina)  | Labuan - Sipitang     |
| 23. | Projek Penghantaran : Menaiktaraf 132kV<br>Stesen Tenom 3X30Mva   | Tenom                 |
| 24. | Projek Penghantaran: Menaiktaraf PMU Dam<br>Road, Lahad Datu, Sabah Kepada 275kV Dan<br>Menaiktaraf SSU Dam Road, Lahad Datu,<br>Sabah Kepada 132/33/11kV (Reka & Bina)   | Lahad Datu            |
| 25. | Projek Pembahagian – Mengukuhkan Sistem<br>33kV Dan 11kV Di Kota Kinabalu, Sabah  | Kota Kinabalu         |
| 26. | Projek Pembahagian - Sistem Pengukuhan<br>11kV Di Labuan, Sabah   | Labuan                |
| 27. | Projek Pembahagian - Penambahbaikan<br>Sistem 33kV Di Kota Marudu Dan Pitas,<br>Sabah   | Kota Marudu and Pitas |
| 28. | Projek Pembahagian – PPU Sook 33/11kV,<br>Keningau  | Keningau              |

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| 29. | Projek Pembahagian – PPU Ranau 33/11kV, Ranau  | Ranau                 |
| 30. | Projek Pembahagian – Penambahan Punca Bekalan PPU Kundasang  | Kundasang             |
| 31. | Projek Pembahagian - Penambahan Kapasiti 33/11kV Di Sipitang, Sabah  | Sipitang              |
| 32. | Projek Pengukuhan Sistem Pembahagian Elektrik Melalui Pembinaan PPU Donggongan 33kV/11Kv, Kota Kinabalu, Sabah (Reka dan Bina) | Donggongan            |
| 33. | Projek Pengukuhan Sistem Pembahagian Elektrik Melalui Pembinaan PPU Kent 33kV/11kV, Tuaran, Sabah                              | Tuaran                |
| 34. | Projek Pengukuhan Sistem Pembahagian Elektrik Melalui Pembinaan PPU Menggatal 33kV/11kV, Kota Kinabalu, Sabah                  | Kota Kinabalu         |
| 35. | Projek Pengukuhan Sistem Pembahagian Melalui Rehabilitasi PPU 33/11kV Kayul, Kuala Penyu, Sabah                                | Kayul, Kuala Penyu    |
| 36. | Projek Pengukuhan Sistem Pembahagian Melalui Rehabilitasi PPU 33/11kV Limbawang, Beaufort, Sabah                               | Limbawang, Beaufort   |
| 37. | Projek Pengukuhan Sistem Pembahagian Melalui Rehabilitasi PPU 33/11kV Lakut, Papar, Sabah                                      | Lakut, Papar          |
| 38. | Projek Post Blackout - Protection On-Line Monitoring   | Beaufort and Labuan   |
| 39. | Projek Pengukuhan Sistem Pembahagian Melalui Pembinaan PPU Likas 33kV/11kV, Kota Kinabalu, Sabah                               | Kota Kinabalu         |
| 40. | Projek Pengukuhan Sistem Penghantaran Melalui Penambahan Kapasiti Transformer 15MVA Di PMU Segaliud, Sandakan, Sabah           | Segaliud, Sandakan    |
| 41. | Projek Pembahagian - PPU Bukit Nenas, Sandakan, Sabah  | Bukit Nenas, Sandakan |
| 42. | Projek Post Blackout - Scadarization Of All PMU/PPU (26 Nos) And Power Stations (3 Nos)  | -                     |

43.	Projek Pembahagian: Pengubahan Punca Bekalan PPU Mowtas Dan PPU Permai, Sandakan, Sabah	Mowtas and Permai, Sandakan
44.	Projek Pembahagian - Change Of Supply Source At PPU Nabawan	Nabawan
45.	Projek Post Blackout - Transmission Lines, Tower And Cable Improvement, Sabah	-
46.	Establish N-1 For Optical Fibre (OPGW) For East-West Interconnection Link	-
47.	Fiber Monitoring And Management System (FMMS) Secara Reka Bina	-
48.	For East Coast Communication Network PPU Kubota To PPU Wakuba	Wakuba
49.	Relocation Of GTM Lm2500 Melawa To Lahad Datu, Sabah	Stesen Janakuasa Sandakan
50.	Kerja-Kerja Major Overhaul 5 Unit Genset Stesen Kecil Ranau Termasuk Sistem Terlibat	Ranau
51.	Penambahbaikan 3x8MW Bersama Penggantian Radiator Stesen Jana Kuasa Tawau	Tawau
52.	Project Post Blackout - Short Term To Long Term Support (Canopy Gensets At Pasir Putih, POIC And Labuk)	Pasir Putih, POIC and Labuk
53.	Projek Pengukuhan Sistem Penghantaran Melalui Pembinaan Talian 275kV dari Upper Padas ke Kalumpang, Tawau (Southern Link) dan Sambungtara Transborneo	Upper Padas to Kalumpang, Tawau
54.	Projek Pengukuhan Sistem Penghantaran Melalui Pembinaan Talian 132kV dari PMU Dam Road ke PMU Warisan	Dam Road to Warisan, Lahad Datu
55.	Kajian Preefeasibility dan Feasibility Potensi Hidro di Negeri Sabah - Padas River (PD.03)	Sg. Padas
56.	Kajian Preefeasibility dan Feasibility Potensi Hidro di Negeri Sabah - Padas River (PD.08)	Sg. Padas
57.	Kajian Preefeasibility dan Feasibility Potensi Hidro di Negeri Sabah - Padas River (PD.09)	Sg. Padas

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| 58. | Kajian Pefeasibility dan Feasibility Potensi Hidro di Negeri Sabah - Liwagu River (LW.05) | Sg. Liwagu |
| 59. | Kajian Pefeasibility dan Feasibility Potensi Hidro di Negeri Sabah - Wariu River (WC.05)  | Sg. Wariu  |
| 60. | Kajian Pefeasibility dan Feasibility Potensi Hidro di Negeri Sabah - Padas River (PD.14)  | Sg. Padas  |
| 61. | Kajian Pefeasibility dan Feasibility Potensi Hidro di Negeri Sabah - Liwagu River (LW.06) | Sg. Liwagu |

CERTIFIED by me to be a true copy of the Bill passed by the Legislative Assembly on Wednesday, the 3rd day of January, 2024.

DATUK SERI PANGLIMA HAJI KADZIM BIN HAJI M. YAHYA,  
*Speaker,*  
*State Legislative Assembly.*