



LAWS OF SARAWAK

REPRINT

Chapter 51

SARAWAK ELECTRICITY SUPPLY CORPORATION ORDINANCE, 1962

Incorporating all amendments up to 31st January, 2006

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**SARAWAK ELECTRICITY SUPPLY CORPORATION
ORDINANCE, 1962**

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LAWS OF SARAWAK

Chapter 51

**SARAWAK ELECTRICITY SUPPLY CORPORATION
ORDINANCE, 1962**

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LAWS OF SARAWAK

Chapter 51

SARAWAK ELECTRICITY SUPPLY CORPORATION ORDINANCE, 1962

An Ordinance to provide for the establishment of the Sarawak, Electricity Supply Corporation, for the functions of the Corporation, and for related and incidental matters.

[1st January 1992]

Enacted by the Legislature of Sarawak—

PART I INTRODUCTION

Short title

1. This Ordinance may be cited as the Sarawak Electricity Supply Corporation Ordinance, 1962.

Interpretation

2. In this Ordinance—

“Board” means the Board of Directors established under section 5;

“Chairman” means the Chairman of the Board established by section 5;

“Company” means the Sarawak Electricity Supply Company Limited registered under the former Companies Ordinance [*Cap. 65 (1958 Ed.)*];

“Company installation” means any installation which was, immediately before the commencement of this Ordinance, the property of the Company and was operated by it for the supply of energy to the public;

“Corporation” means the Corporation established by section 3;

“energy” means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of any communication or signal;

“generating station” means any station for generating energy including any buildings and plant used for the purpose, and its site, and includes a site intended to be used for a generating station, but does not include any station for transforming, converting or distributing energy;

“installation” has the same meaning assigned to it in the Electricity Ordinance [*Cap. 50*];

“licence” means the holder of a licence to operate or work an installation issued under the Electricity Ordinance [*Cap. 50*];

“licensee” means the holder of a licence;

“member of the Board” means a member of the Board of Directors established under section 5, and includes the Chairman and Deputy Chairman;

“member of the Corporation” means any person who has been issued any number of shares of the Corporation and whose name has been registered by the Corporation as a member of the Corporation;

“Minister” means the Minister having responsibilities for the Corporation;

“transferred installation” means any installation vested in the Corporation by section 26.

[*Am. Ord. No. 8/92.*]

PART II
ESTABLISHMENT, INCORPORATION AND
CONSTITUTION OF THE CORPORATION

Establishment and incorporation of Sarawak Electricity Supply Corporation

3.—(1) There is hereby established a body, to be known as the Sarawak Electricity Supply Corporation, which shall be a body corporate and may sue and be sued in that name, and shall have perpetual succession, and may enter into contracts, and may acquire, purchase, take, hold and enjoy movable and immovable property of every description, and may convey, assign, surrender and yield up, charge, mortgage, demise, re-assign, transfer or otherwise dispose of, or deal with, any movable or immovable property vested in the Corporation upon such terms as to the Corporation deems fit.

(2) The Corporation shall for the purposes of the Land Code [*Cap. 81 (1958 Ed.)*] be deemed to be a Native of Sarawak.

[Am. Ord. No. 4/87.]

Common seal

4.—(1) The Corporation shall have a common seal, and that seal may from time to time be broken, changed, altered and made anew as the Corporation deems fit, and, until a seal is provided under this section, a stamp bearing the inscription “Sarawak Electricity Supply Corporation” may be used as the common seal.

(2) All deeds, documents and other instruments requiring the seal of the Corporation shall be sealed with the seal of the Corporation in the presence of the Chairman or Deputy Chairman, and of the Secretary of the Board or some other person authorized by the Board to act in that behalf, who shall sign every such deed, document or other instrument to which that seal is affixed, and such signing shall be sufficient evidence that that seal was duly and properly affixed and that that seal is the lawful seal of the Corporation:

Provided that a document or an instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the corporation, and such document or instrument may be executed on behalf of the Corporation by any of its officers or servants generally or specially authorized in writing to so act.

[Am. Ord. No. 10/81; Am. Ord. No. 8/92.]

Board of Directors

5.—(1) The management of the affairs of the Corporation shall be vested in a Board of Directors which shall consist of—

- (a) a Chairman;
- (b) a Deputy Chairman; and
- (c) not less than six but not more than ten other members,

all of whom shall be appointed by the Minister in the manner specified in subsection (2).

(2) The Chairman and Deputy Chairman shall be appointed by the Minister and the other members of the Board shall be appointed as follows:

- (a) not more than six of the members of the Board shall be appointed from persons nominated or elected by the members of the Corporation; and
- (b) from persons who in the opinion of the Minister are fit and proper persons to be members of the Board.

(3) The Board shall be responsible for carrying out the functions and general management of the business of the Corporation.

[Am. Ord. No. 8/92.]

Members of Board to dispose of interest in any electricity undertaking in Sarawak.

6.—(1) Every person appointed to be a member of the Board shall, within three months after his appointment, sell or dispose of all shares in any electricity undertaking which, at the time of his appointment, he owns or is interested in, directly or indirectly, for his own benefit or that of his immediate family and it shall not be law ful for any member of the Board, while he holds office as such, to purchase or become interested in, directly or indirectly, for his own benefit or that of his immediate family, any shares in any electricity undertaking; and, if any member of the Board becomes so entitled, for his own benefit, under any will or succession, to any shares in any electricity undertaking, he shall sell or dispose of those shares within three months after he has become entitled to them:

Provided that the Majlis Mesyuarat Kerajaan Negeri may waive the requirements of this subsection in any specific case.

(2) Any member of the Board who retains, purchases, takes or becomes or remains interested directly or indirectly in any shares in any electricity undertaking in contravention of this section shall be disqualified from, and be deemed to have vacated, his office as such member, and the Chairman shall cause an entry to that effect to be made in the minutes of the Board as soon as practicable after the fact of any such contravention comes to his knowledge.

(3) The fact of any person disqualified under this section having sat on, or taken part in any proceeding of, the Board before that entry has been made in minutes shall not invalidate any resolution or proceeding of the Board.

[Am. Ord. No. 8/92; Am. Cap. A28.]

(4) In this section—

“shares in any electricity undertaking” means any stock, shares, debentures, debenture stock, bonds or other securities of any company engaged in Sarawak in the generation, distribution or supply of energy, or the manufacture of electrical apparatus, and includes any share or interest in any unincorporated undertaking similarly engaged.

Disclosure of interest in contract by member of the Board

7. A member of the Board, if he has any interest in any company or undertaking with which the Board proposes to make any contract, or has any interest in any such contract, shall disclose to the Board the fact of that interest and the nature of it, and that disclosure shall be recorded in the minutes of the Board, and, unless specifically authorized by the Chairman, that member shall take no part in any deliberation or decision of the Board relating to such contract.

[Am. Ord. No. 8/92.]

Remuneration and allowances payable to members of the Board

8. Members of the Board shall receive such remuneration and allowances out of the funds of the Corporation as may be determined by the Board Corporation.

Quorum and procedure

9.—(1) The quorum at all meetings of the Board shall be a majority of the members of the Board and one of these members shall be the Chairman or the Deputy Chairman.

(2) The Chairman, or, in his absence, the Deputy Chairman, shall preside at all meetings of the Board.

(3) In the event of the votes on any question being equal, the Chairman or the Deputy Chairman, as the case may be, shall have a casting vote in addition to his deliberative vote.

[Am. Ord. No. 8/92.]

Vacancies

10. The Corporation may act notwithstanding any vacancy in its membership.

Procedure of the Corporation

11. Subject to this Ordinance, the Corporation may make standing orders regulating its own procedure generally, and, in particular, regarding the holding of meetings, the notice to be given of those meetings, the proceedings at those meetings, the keeping of minutes, the custody, production and inspection of those minutes, and the opening, keeping, closing and audit of accounts.

OFFICERS AND SERVANTS OF THE CORPORATION, ETC.

Appointment of officers and servants

12.—(1) The Board may, from time to time, appoint and employ a General Manager, a Secretary and such other officers and servants as may be necessary for the purposes of this Ordinance.

(2) All officers and servants of the Corporation shall be under the administrative control of the Managing Director.

[Am. Ord. No. 8/92]

Appointment of Managing Director

12A.—(1) The Board may, with the approval of the Minister, appoint any member of the Board, other than the Chairman, to be the Managing Director.

(2) The Managing Director shall be the Chief Executive Officer of the Corporation and shall be responsible to the Chairman acting on behalf of the Board.

(3) The Managing Director, officers and servants of the Corporation shall hold office for such periods, receive such salaries and allowances and be subject to such conditions of service as may be determined by the Board with the approval of the Minister.

[Ins. Ord. No. 8/92.]

(4) The Managing Director shall be responsible for the day to day administration and management of the affairs of the Corporation and shall exercise such duties and powers as may be entrusted or delegated by the Board or the Chairman of the Board acting on behalf of the Board.

Public servants

13. All members of the Board, officers and servants of the Corporation shall be deemed to be public servants within the meaning of the Penal Code *[Act 574]*.

Public Authorities Protection

13A. The Public Authorities Protection Act 1948 *[Act 198]* shall apply to any action, suit, prosecution or proceedings instituted against the Corporation or against any of them in such capacity in respect of any act, neglect or default done or committed by any of them in such capacity.

[Ins. Ord. No. 10/81; Am. Ord. No. 8/92]

Power to enter premises, etc.

13B.—(1) Any officer or servant of the Corporation generally or specially authorized in writing by the Corporation in that behalf shall, on producing, if so required, a document showing his authority, have a right to enter any land, premises or building at all reasonable hours—

(a) for the purposes of ascertaining whether there is or has been any contravention of the provisions of the Electricity Ordinance [*Cap. 50*] or of the terms and conditions of the contract entered between the consumer and the Corporation pursuant to section 15(1); or

(b) to examine and inspect instruments and installations.

(2) Any person who refuses to permit or obstructs any officer or servant authorized by the Corporation from entering the land, premises or building, or obstructs or hinders that officer or servant from acting under this section shall be guilty of an offence: Penalty, imprisonment for three months and a fine of five hundred ringgit.

[Ins. Ord. No. 10/81.]

FUNCTIONS AND DUTIES OF THE CORPORATION

General functions of the Corporation

14.—(1) Subject to this section, it shall be the duty of the Corporation—

(a) to manage and work the electrical installations transferred to the Corporation by this Ordinance, and such other installations and apparatus as may be acquired by the Corporation under this Ordinance;

(b) to establish, manage and work such electrical installations as the Corporation may deem it expedient to establish;

(c) to promote and encourage the generation of energy with a view to the economic development of Sarawak;

- (d) to secure the supply of energy at reasonable prices;
 - (e) to advise on all matters relating to the generation, transmission, distribution and use of energy
- (2) For the purposes of subsection (1), the Corporation may—
- (a) subject to this Ordinance, generate, transmit, transform, distribute and sell energy either in bulk or to individual consumers in any part of Sarawak;
 - (b) purchase, construct, reconstruct, maintain and operate supply lines, generating stations, transformer stations, and all other appropriate stations, buildings and works, including, subject to compliance with the Water Ordinance, 1994 [*Cap.13*] and its subsidiary legislation, the abstraction of water from any lake, river, stream or other natural source, and the doing of all such acts as may be necessary for the purpose of utilizing and returning or otherwise disposing of the water so abstracted;
 - (c) sell, hire or otherwise supply electrical plant and electrical fittings, and install, repair, maintain or remove any electrical plant and electrical fittings;
 - (d) acquire, in accordance with this Ordinance, any property, movable or immovable, which the Corporation deems necessary or expedient for the purpose of constructing, extending or maintaining any installation or otherwise carrying out its duties and functions under this Ordinance; and
 - (e) carry on all such other activities as may appear to the Corporation requisite, advantageous or convenient for it to carry on for or in connection with the performance of its duties under this Ordinance or with a view to making the best use of any of its assets.

Duty of the Corporation to supply energy

15.—(1) Subject to subsection (2), in so far as it is able to do so, the Corporation shall supply energy to any person, other than a licensee, requiring a supply of energy (in this section referred to as “a consumer”), if such consumer undertakes to enter into a contract with the Corporation, giving such security as the Corporation may require, to take, or continue to receive, and to pay for a supply of energy upon such terms and conditions as the Corporation may determine.

(2) The Corporation shall not supply energy to a consumer, other than the licensee, in any area which forms part of the area of supply of a licensee, except with the consent of that licensee:

Provided that where the consent of a licensee is required under this subsection and that licensee refuses or withholds such consent, the Corporation may appeal to the Majlis Mesyuarat Kerajaan Negeri, and the Majlis Mesyuarat Kerajaan Negeri, if satisfied that the consent of that licensee is unreasonably refused or withheld, may dispense with such consent.

(3) For the purposes of the proviso to subsection (2), consent shall be deemed to be unreasonably refused or withheld if the licensee is not willing and able to supply the requisite energy upon reasonable terms and within a reasonable time, having regard, amongst other things, to the terms upon, and the time within, which the Corporation is willing and able to supply that energy.

[Am. Cap. A28.]

Power of Corporation to supply gas and hydro electricity

15A.—(1) Notwithstanding sections 14 and 15, the functions of the Corporation shall include the duty—

(a) to get or acquire, supply and sell gas for public and private purposes in accordance with any written law for the time being in force relating to gas;

(b) to undertake the development of water power resources in the State, and to establish generating stations operated by hydro power for the generation or transmission of electricity in accordance with any written law for the time being in force relating to hydro power;

(c) to carry on all such activities as it may appear to the Corporation to be requisite, advantageous or convenient for it to carry on for or in connection with the exercise of its powers under either paragraphs (a) and (b).

(2) For the purposes of subsection (1), the Corporation may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, make regulations under section 31 to regulate the supply of gas and hydro electricity provided by the Corporation in accordance with such terms and conditions as may be prescribed.

Power to establish companies, corporation or other bodies

15B. Notwithstanding the functions and duties of the Corporation under any other provisions of this Ordinance, the Corporation may, subject to the approval of the Majlis Mesyuarat Kerajaan Negeri, —

(a) establish or expand, or promote the establishment or expansion of companies, corporations or other bodies to carry out economic activities including industrial projects either under the control or partial control of the Corporation or independently;

(b) give assistance to any public authority, company, corporation or other body or person appearing to the Corporation to have facilities for the carrying on of any such activities, including financial assistance by the taking of share or loan capital, or by loan or otherwise;

(c) purchase, underwrite or otherwise acquire any stock and shares in any public or private company, and dispose of those stock and shares on such terms and conditions as the Corporation, with the approval of the Majlis Mesyuarat Kerajaan Negeri, may determine;

(d) carry on any commercial and industrial activities, the carrying on of which appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its functions, including the manufacturing, assembling, processing and marketing of products;

(e) co-operate with or act as agent or managing agent of, or otherwise act in association with or on behalf of any public authority, company, corporation, body or person; or

(f) guarantee any loans made by any bank or other financial source to any corporation or other bodies in the shares of which the Corporation has any interest, directly or indirectly.

[Ins. Ord. No. 4/87; Am. Cap. A28.]

POWER TO BORROW AND RAISE CAPITAL

Power to issue stock, etc.

16.—(1) The Corporation may, from time to time, with the approval of the Majlis Mesyuarat Kerajaan Negeri, borrow money by the issue of debentures or debenture stock, or raise capital by the issue of shares or stock, or raise capital by the issue of shares or stock of such class and value and upon such terms as it may deem expedient, for all or any of the following purposes:

(a) the provision of working capital;

(b) the fulfilling of the functions of the Corporation under this Ordinance;

(c) the acquisition of other electricity undertakings;

(d) the redemption of any shares or stock which it is required or entitled to redeem;

(e) any other expenditure properly chargeable to capital account.

(1A) The Corporation may, with the approval of the Majlis Mesyuarat Kerajaan Negeri,—

(a) issue, allot, transfer or dispose of shares, stocks and debentures to any person or company on such terms and conditions as the Corporation may, with the approval of the Minister, determine, and to redeem and forfeit them;

(b) divide the shares into one or more classes, with such designations, preferences, limitations and relative rights as shall be determined by the Corporation;

(c) determine the price and value of the shares;

(d) increase the share capital by the creation of new shares of such amount as it thinks expedient;

(e) consolidate and divide all or any of its share capital into shares of larger amount than its existing shares;

(f) convert all or any of its paid-up shares into stock and re-converting that stock into paid-up shares of any denomination;

(g) cancel or forfeit all or any part of the shares of any member of the Corporation for contravening or for failing to comply with this Ordinance or its regulations;

(h) redeem the shares, stocks or debentures on such terms and in such manner as may be prescribed; and

(i) restrict the right to acquire or dispose of shares or in the case of unissued shares, any transfer of the right to be issued with them.

(2) The Corporation may make regulations not inconsistent with this Ordinance to provide for such matters in connection with shares, stock, debentures or debenture stock issued under this Ordinance as may appear necessary or expedient to the Corporation, and, in particular, for regulating the method of issue, transfer, redemption, or other dealing with those shares, stock, debentures or debenture stock.

(3) Until regulations relating to the issue of shares, stocks, debentures and debenture stocks and other matters connected with them have been made under subsection (2), the provisions in Table A of the Fourth Schedule to the Companies Act 1965 [*Act 125*] shall, in so far as they are not inconsistent with this Ordinance, apply to the Corporation subject to such modifications and adaptations as may be necessary, and in particular reference to a “company” shall be taken as reference to the Corporation.

[Am. Ord. No. 8/92; Am. Cap. A28.]

Authorized capital and paid up capital

16A.—(1) The authorized capital of the Corporation shall be determined by the Corporation with the approval of the Minister.

(2) The Corporation may, by special resolution, determine the amount of its paid up capital.

(3) The initial paid up capital of the Corporation shall be five hundred million ringgit divided into five hundred million shares of one ringgit each, of which two hundred and fifty-five million shares shall be subscribed to, and paid up by, the State Financial Secretary on behalf of the Government by way of—

(a) such transfers to its capital from the accumulated realised profits and general reserves of the Corporation as at 31st December, 1992; and

(b) the value of the stocks held by the State Financial Secretary which are converted to shares as provided in section 29B.

(4) The Corporation may, with the approval of the Minister, allot, issue or dispose of to any person, any shares which are not subscribed to or taken up by the State Financial Secretary under subsection (3).

[Ins. Ord. No. 8/92.]

Power to borrow money

17. The Corporation may, from time to time, borrow, by way of loan, overdraft or otherwise, such sums as it may require for meeting its obligations and discharging its functions under this Ordinance.

GENERAL FINANCIAL PROVISIONS

General duties and powers of the Corporation in financial matters.

18. It shall be the duty of the Corporation so to exercise and perform its functions under this Ordinance as to secure that the total revenues of the Corporation are sufficient to meet its total outgoings properly chargeable to revenue account, including depreciation, and interest on capital, taking one year with another.

Rates and scales of charges for energy

19.—(1) The prices to be charged by the Corporation for the supply of energy and the hire of apparatus shall be in accordance with such tariffs as may, from time to time, be fixed by regulations made under section 31:

Provided that nothing in this section or in any such regulations shall prevent the Corporation from charging other prices by special agreement.

(2) The Corporation in fixing tariffs and making agreements for the supply of energy shall not show undue preference as between consumers similarly situated and shall not exercise undue discrimination as between persons similarly situated, having regard to the place and time of supply, the quantity of energy supplied, the consumer load and power factor, and the purpose for which the supply is taken.

(3) Tariffs due and payable under this section may be recovered by civil proceedings as a debt due to the Corporation:

Provided that no calim for payment of tariffs under this section shall be valid unless it is made within six years from the date when the tariff falls due and becomes payable.

[Ins. Ord. No. 10/81.]

Power to make Standing Orders relating to staff

20.—(1) The Corporation may, with the approval of the Minister, by standing orders provide for the conditions of service of officers and servants of the Corporation.

(2) In particular, but without prejudice to the generality of subsection (1), those standing orders may provide for—

(a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, any such officer or servant;

(b) the pensions, gratuities, allowances, provident fund or other superannuation benefits of any such officer or servant;

(c) any appeals by any such officer or servant against his dismissal or against any other disciplinary measure taken against him; and

(d) any other matters as to which it is necessary or expedient to make Standing Orders for any such officer or servant.

[Am. Ord. No. 8/92.]

Application of revenue

21.—(1) The revenue of the Corporation for any financial year shall be applied in defraying the following charges:

(a) the salaries, fees, remuneration, pensions, superannuation allowances and gratuities (including any payment to the Government on account of pensions and gratuities under section 20) of the officers, agents and servants, and technical or other advisers, of the Corporation;

(b) interest on any debentures and debenture stock issued, and on any loan raised, by the Corporation;

(c) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or the repayment of other borrowed moneys;

(d) working and establishment expenses and expenditure on, or provision for, the maintenance of any of the installations of the Corporation, and the discharge of the functions of the Corporation properly chargeable to revenue account;

(e) such sums as the Corporation may deem appropriate to set aside in respect of depreciation on the property of the Coporation having regard to the amount set aside out of revenue under paragraph (c);

(f) the remuneration, fees and allowances of the members of the Board;

(g) any other expenditure authorized by the Corporation and properly chargeable to revenue account.

(2) The balance of the revenue of the Corporation shall be applied—

(a) to the creation of reserves; and

(b) to the payment of—

(i) such interest on shares, stocks and debentures issued by the Corporation as may be resolved by the Corporation;

(ii) such dividends as the Corporation may deem appropriate, if in its opinion its undertakings and financial position warrants that payment:

Provided that no dividend shall be payable in excess of twenty-five per centum of the balance of revenue without the approval of the Minister.

[Sub. Ord. No. 8/92.]

Investment of funds

22. Any funds of the Corporation not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Corporation may be invested in such manner as the Minister may approve, in any approved bank or finance company licensed under the Banking and Financial Institutions Act 1989 [Act 372], within the State or in such other investments or securities as the Corporation with the approval of the Minister may think fit.

[Am. Ord. No. 4/87; Am. Ord. No. 8/92.]

Accounts and audit

23.—(1) The Corporation shall keep proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of account in respect of each financial year.

(2) The accounts of the Corporation shall be audited by auditors to be appointed annually by the Corporation.

(3) The Corporation shall, after the end of each financial year, as soon as the accounts of the Corporation have been audited but, except with the specific approval of the Minister, not later than the 30th day of June of each year, cause a copy the statement of account to be transmitted to the Minister and to all members of the Board, together with a copy of any report made by the auditors on that statement or on the accounts of the Corporation.

(4) The Minister shall cause a copy of every such statement and report to be laid before the Dewan Undangan Negeri.

(5) The accounting and other records of the Corporation shall be kept at the office of the Corporation or at such other place as the Managing Director thinks fit and shall at all times be open to inspection by any member of the Corporation.

[Am. Ord. No. 10/81; Am. Ord. No. 8/92.]

Exemption from stamp dutiess

***24.** The Corporation shall be exempt from payment of stamp duty under any written law for the time being in force relating to stamp duties.

ANNUAL REPORT

Annual Report

25.—(1) The Corporation shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister and all members of the Board a report dealing generally with the activities of the Corporation during the preceding financial year and containing such information relating to the proceedings and policy of the Corporation as the Minister may from time to time direct.

(2) The Minister shall cause a copy of every such report to be laid before the Dewan Undangan Negeri.

[Am. Ord. No. 8/92.]

PART III

TRANSFER TO CORPORATION OF GOVERNMENT UNDERTAKINGS, ETC., PROPERTY, CONTRACTS, ETC.

Transfer to Corporation of Company installations

26.—(1) Upon the commencement of this Ordinance the Company is hereby dissolved and all Company installations shall be deemed to have been transferred to, any shall vest in, the Corporation.

(2) Such transfer shall extend to the whole of such installations and shall include all plant, lands, works and other property, movable or immovable, assets, powers, rights and privileges held or enjoyed in connection with it or pertaining to it.

*NOTE: See also the Stamp Act 1949 [Act 378].

Existing licences and contracts

27. All licences, under which the Company were immediately prior to the commencement of the Ordinance operating and all deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the commencement of this Ordinance, affecting any of the transferred installations shall be of as full force and effect against or in favour of the Corporation, and enforceable as fully and effectually as if, instead of the Company, the Corporation had been named in it or had been a party to it.

Pending proceedings

28. Any proceeding or cause of action pending or existing immediately before the commencement of this Ordinance by or against the Company or any debt owing to or by the Company may be continued or enforced by or against the Company as if this Ordinance had not been enacted.

Compensation for transferred undertakings

29. As soon as practicable after the commencement of this Ordinance, the Corporation shall create and shall, by way of compensation for the transferred installations, issue to the State Financial Secretary, incorporated by the State Financial Secretary (Incorporation) Ordinance [*Cap. 36*], to hold for the purposes of the Government, ordinary stock of a total nominal value to be agreed upon by and between the Majlis Mesyuarat Kerajaan Negeri and the Corporation.

Power to increase the value of the stock issued to the State Financial Secretary

29A. Notwithstanding the stock issued to the State Financial Secretary pursuant to section 29, the Corporation may increase the value of such stock by such amount and in such a manner as the Corporation shall decide from time to time with the approval of the Minister:

Provided that the payment of such increase in the value of the stock may be made by way of such transfers as the Corporation may, with the approval of the Minister, from time to time decide, including transfers from the reserve accounts of the Corporation and other sources as the Minister on the recommendation of the Corporation may approve.

[Ins. Ord. No. 4/87.]

Stocks issued to State Financial Secretary

29B.—(1) The stocks issued to the State Financial Secretary for purposes of the Government pursuant to sections 29 and 29A shall as from the commencement of the Sarawak Electricity Supply Corporation (Amendment) Ordinance, 1992 [*Ord. No. 8/92*], be transferred to and vest in the Corporation, and the Corporation shall convert the stocks into paid-up shares which shall be issued to the State Financial Secretary or to such person as the Minister shall direct in writing.

(2) The sum equal to the amount or value of the premiums on the stocks referred to in subsection (1) shall be deemed to be paid up portion of the authorized share capital of the Government.

[Ins. Ord. No. 8/92.]

OFFICERS AND SERVANTS

Provisional transfer of officers on establishment of the Company

30.—(1) Every officer on the establishment of the Company shall, upon the commencement of this Ordinance, be deemed to be transferred from the service of the Company to the service of the Corporation on terms and conditions of service and emoluments no less favourable than those which he enjoyed immediately prior to the commencement of this Ordinance.

(2) Nothing in this section shall be deemed to affect the right of the Corporation to terminate the employment of any such employee transferred to the service of the Corporation, or to vary his rate of pay or conditions of service, in the manner and to the extent that the Company could have done had he continued in the service of the Company.

PART IV
GENERAL

Regulations

31.—(1) The Corporation may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, make regulations generally for better carrying out the provisions of this Ordinance.

(2) Regulations made under this section may, without prejudice to the generality of the power conferred by subsection (1), provide—

(a) for the rates and prices to be charged for the supply of energy to consumers;

(b) for the charges to be made for the hire of apparatus to consumers;

(c) for prescribing the constitution of the company, corporation or body established under section 15B, and defining

—
(i) the purposes and objects for which that company, corporation or body is established;

- (ii) the rights, powers, duties and functions of that company, corporation or body;
 - (iii) its system of management; and
 - (iv) the relation between that company, corporation or body and the Corporation and its rights of control over such company, corporation or body; and
- (d) for prescribing anything which is required to be, or may be, prescribed under this Ordinance.

[Ins. Ord. No. 4/87.]

Power to enter into contracts of guarantee or indemnity

32. The Corporation may, with the approval of the Minister, enter into contracts of guarantee or indemnity for the purpose of facilitating the acquisition or erection of dwelling houses by officers or other servants of the Corporation.

[Ins. Ord. No. 10/68.]

LAWS OF SARAWAK

Chapter 51

SARAWAK ELECTRICITY SUPPLY CORPORATION ORDINANCE, 1962

LIST OF AMENDMENTS

Amending Law	Short Title	In force from
Ord. No. 4/76	... Sarawak Electricity Supply Corporation (Amendment) Ordinance, 1976	30.3.1976
Ord. No. 9/76	... Sarawak Constitution (Amendment) (No. 2) Ordinance, 1976	26.8.1976
Ord. No.10/81	... Sarawak Electricity Supply Corporation (Amendment) Ordinance, 1981	24.11.1981
Ord. No. 4/87	... Sarawak Electricity Supply Corporation (Amendment) Ordinance, 1987	30.11.1987
Ord. No. 8/92	... Sarawak Electricity Supply Corporation (Amendment) Ordinance, 1992	10.12.1992
Cap. A28	... Interpretation (Amendment) Ordinance, 1995	29.5.1995

LISTS OF LAWS OR PARTS OF THEM SUPERSEDED

No.	Short Title
Ord. No. 25 of 1962	Sarawak Electricity Supply Corporation Ordinance, 1962
Ord. No. 25 of 1962 Reprint 1972	Sarawak Electricity Supply Corporation Ordinance, 1962