



LAWS OF SARAWAK

ONLINE VERSION OF UPDATED
TEXT OF REPRINT

Chapter 50

ELECTRICITY ORDINANCE

Incorporating all amendments up to 1st February, 2024

Prepared and Compiled by

STATE ATTORNEY-GENERAL'S CHAMBERS
SARAWAK

ELECTRICITY ORDINANCE

| | | |
|--|--------|-----------------|
| Revised up to | ... .. | 31st May, 2002 |
| Date of publication in <i>Gazette</i> of this revised version | ... | 15th July, 2002 |
| Date appointed for coming into force of this revised version <i>pursuant to section 6(1)(w) of the Revision of Laws Ordinance, 1992</i> [Cap. 1] | ... .. | 15th July, 2002 |

Enacted in 1952 as Ordinance No. 17 of 1952.
Revised in 1958 as Chapter 137 of 1958 Edition.
Reprinted in 1967 of Cap. 139 (1958 Ed.).
Revised in 2002 as Chapter 50.

LAWS OF SARAWAK
Chapter 50
ELECTRICITY ORDINANCE

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
- 2A. *[Deleted by Cap. A210/2023]*
3. Appointment of Inspectors
4. Licence required for use of installation; terms, conditions and contents of licences
- 4A. Power to fix tariffs
- 4B. Power to recover expenses
- 4C. Power to require security
- 4D. Fixing of maximum price for reselling electricity
- 4E. Charge for supply of electricity to be ascertained by appropriate meter
- 4F. Special conditions relating to licence for hydro electricity
- 4G. Special provisions relating to solar power
- 4H. Competent control
5. Supply lines and other apparatus on State land
6. Security, suspension of and revocation of licence
7. Restriction of use to specified purposes
8. Periodical inspection of installation
9. Electrical interference with signalling lines
10. Restriction of connection with earth
11. Procedure in case of dangerous defect in installation or apparatus
12. Neither Government nor its officer liable for loss or damage
13. Entry on premises
14. Report and investigation of accidents
15. Powers of holding inquiry

Section

16. Authority to enter and occupy land to establish installation
17. Maintenance and repair of installation
18. Removal or alteration of supply line, *etc.*
- 18A. Right of way to supply line
19. Appeal
20. Power to fix lamp-posts, *etc.*
21. Compensation
22. Power to break up streets, *etc.*, under superintendence, and to open drains
23. Conditions as to superintendence of breaking up of streets
24. Street, *etc.*, broken up to be reinstated without delay
25. Penalty for delay in reinstating streets, *etc.*,
26. Notice to be served on persons having control, *etc.*, before breaking up streets or opening drains
27. Entitlement to supply of electricity
- 27A. Supply Agreement with consumer
- 27B. Special agreement with respect to supply
28. Equality of treatment
29. Conditions under which supply may be discontinued
30. Temporary discontinuance of supply of energy
31. Prohibition of employment of children
32. Power to delegate
- 32A. Power of investigation
- 32B. Power of entry by warrant or otherwise, inspection, examination, seizure, *etc.*
- 32C. Obstruction, *etc.*, and offence
- 32D. Admissibility of statement
33. Offences
- 33A. Right to recover loss of revenue
34. Onus of proof
- 34A. Conduct of prosecution
- 34B. Compounding of offences
35. Recovery of penalties
- 35A. Directives for reduction of emission of greenhouse gases
36. Rules

LAWS OF SARAWAK

Chapter 50

ELECTRICITY ORDINANCE

An Ordinance to control and regulate electrical installations and the supply of electricity; and for connected and incidental purposes.

[1st January, 1956]

Short title

1. This Ordinance may be cited as the Electricity Ordinance*.

Interpretation

2. In this Ordinance—

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

“area of supply” means that area within which a licensee is authorized by his licence to supply energy;

“authorized agent” means a competent person appointed by a licensee, the management, the owner of the installation or the contractor, acting as an agent for and on behalf of the licensee, management or owner, to carry out the duties incidental to the generation, transmission, distribution and utilisation of energy;

“authorized person” means a person authorized in writing by the Director;

[Add. Cap. A210/2023]

“competent person” means a person who holds a certificate of competency issued by the Director pursuant to rules made under section 36(1) to perform or execute work in accordance with the terms, conditions and restrictions stipulated in the certificate;

* NOTE: Legislative powers in respect of this matter have been delegated to the State *see* F.L.N. 17 of 1964. *See* also s. 56 of Act 447 and P.U. (A) 272/90.

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

“consumer” means a person who is supplied with energy or whose premises are connected for the purpose of a supply of energy with any system of supply, and includes any person who purchases energy from a licensee;

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

[Sub. Cap. A210/2023]

“Director” means the Director of Electricity Supply, and includes any person who is acting or temporarily discharging the duties of that office;

“distribute” means conveying electrical energy by means of a distribution network consisting of an electrical system mainly or wholly at or below high voltage or at such voltages as the Director may direct in writing for the purposes of conveying energy to premises of the consumers;

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

[Add. Cap. A210/2023]

“energy”..... *[Deleted by Cap. A210/2023];*

“equipment” includes any item for such purposes as generation, conversion, transmission, distribution or transforming of electrical energy and solar power;

[Ins. Cap. A210/2023]

“extra high voltage” means a voltage normally exceeding 3000 volts;

“generating station” means any station for the generation of energy, including any building 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 or system for transforming, converting or distributing energy;

“generator” means an equipment or apparatus of any type for the conversion of mechanical energy or other sources of energy into electricity;

[Sub. Cap. A210/2023]

“high voltage” means a voltage exceeding 600 volts but not exceeding 3000 volts;

“Inspector” means an Electrical Inspector appointed under section 3, and includes the Director;

[Am. Cap. A109.]

“installation” means the whole of any plant or equipment under one ownership or, where a management is prescribed, the person in charge of that management, designed for the supply or use, or both, as the case may be, of energy, and includes prime movers, with all necessary plant, buildings and land in connection with it, pipeline, supply line system, consuming apparatus and solar photovoltaic system;

[Am. Cap. A210/2023]

“licence” means a licence issued under section 4(1);

“licensee” means the holder of a licence issued under section 4;

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

“management” means the authorized person placed in charge of an installation by the licensee, the owner or a contractor;

“Minister” means the Minister having responsibilities for electricity;

“motor” means an equipment or machine of any description for the transformation of electrical energy into mechanical energy;

“post”, in relation to supply or transmission of electricity, includes pole, tower and other structures for the supply, distribution and transmission of electricity;

“power generating plant” means any building, plant or facility used for the generation or production of electrical energy, and includes any structure or site built or required to provide the resources or means to generate or produce that energy;

“premises” includes any building, structure or appurtenances and the land occupied or used in connection with it, being under one ownership, occupation or management;

[Am. Cap. A210/2023]

“prime mover” means a machine supplying mechanical energy to a generator;

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

“public lamp” *[Deleted by Cap. A210/2023];*

“public safety” means the obviation of danger to the general public, to public property and to roads, streets, railways, canals, docks, wharves, piers, bridges, gas-works, water-works and their appurtenances and telegraphic, telephone and other electrical signalling lines;

“Sarawak Energy Berhad” includes any of its subsidiaries;

“single buyer” refers to Sarawak Energy Berhad (a company incorporated under the Companies Act 2016 *[Act 777]*) a government owned company to plan and manage the procurement and supply of electricity or purchase electricity for sale, supply, transmission and distribution throughout Sarawak and to be the single buyer of electricity power in accordance with the provisions of this Ordinance and any rules made hereunder;

“solar photovoltaic system” or “solar PV system” means a system of converting sunlight directly into electricity which includes solar PV cells, PV modules, inverter, the associated switching, protection and control devices, cables and other related apparatus and equipment;

“solar power” means electricity produced from a solar PV system installed at any premise or on any land or above any water of any lake, reservoir or area covered with water;

“sources of energy” includes water power, wind power, solar energy, geothermal, biogas, biomass, biofuel, and biological waste for generation of electricity;

“special agreement” means any agreement entered into between a licensee and a consumer or the single buyer, or between a consumer and the single buyer, whereby electricity is to be sold, purchased or supplied:

(a) is in excess of 5 megawatts; and

(b) upon special terms and conditions relating to offtake, reliability of supply and arrangements regarding provision of security of payment of electricity supplied; and

(c) at the rates to be agreed between the licensee and the consumer or the single buyer which are exception to the tariff fixed pursuant to section 4A;

“State” means the State of Sarawak;

“State land” shall have the same meaning assigned to it under the Land Code [*Cap. 81 (1958 Ed.)*].

[*Add. Cap. A210/2023*]

“street” includes any road, lane, path, passage or open space, whether a thoroughfare or not, over which the public have a right of way;

“supply”, in relation to electrical energy, means supply through supply lines other than to premises occupied by a licensee for the purpose of carrying on the activities which he is authorized by his licence to carry on;

“supply line” means a conductor or conductors or other means of conveying, transmitting or distributing energy, together with any casing, coating, covering, tube, pipe, insulator or post enclosing, surrounding or supporting the same or any part of it, or

any building or apparatus connecting with it for the purpose of transforming, conveying, transmitting or distributing energy;

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

“transmit” or “transmission”, in relation to electricity, means transmit by means of a transmission system consisting, wholly or mainly, of high voltage or extra high voltage lines and electrical equipment and is used for conveying electricity from a generating station to a substation or from one generating station to another or from one substation to another.

[Am. Cap. A36; Am. Cap. A8; Am. Cap. A109.]

2A. *[Deleted by Cap. A210/2023].*

Appointment of Inspectors

3.—(1) The Majlis Mesyuarat Kerajaan Negeri may, by notification in the *Gazette*, appoint a Director who shall have such powers, functions and duties as may be prescribed by this Ordinance and such other duties and functions as the Majlis Mesyuarat Kerajaan Negeri may, by order, assign to him.

[Am. Cap. A109.]

(2) The Minister may, by notification in the *Gazette*, appoint such number of Electrical Inspectors as he deems fit, to assist the Director in the discharge of his powers, functions and duties.

[Am. Cap. A109.]

(3) The Director shall in the discharge of his powers, functions and duties, comply with such directions as may be issued to him by the Minister.

[Sub. Cap. A81; Am. Cap. A109.]

Licence required for use of installation; terms, conditions and contents of licences

4.—(1) Subject to subsection (5) and to such exemptions as may be prescribed, no person shall—

(a) use, work or operate, or permit to be used, worked or operated, any installation; or

(b) supply to or for the use of any other person energy from any installation; or

(c) transmit or distribute energy from any installation; or

(d) carry out, execute or undertake any works for the purpose of establishing any installation or power generating plant for the purpose of generating or producing energy,

except under the terms of a licence granted by the Majlis Mesyuarat Kerajaan Negeri authorizing such use or supply, as the case may be or the execution, undertaking or carrying out of any works referred to in paragraph (d).

[Am. Cap. A36; Am. Cap. A81.]

(2)(a) A licence may be granted under this section for such period as stipulated in it and upon payment of such fees and upon such terms and conditions, including the payment of any fees to any authority payable under any other written laws, as they appear to the Majlis Mesyuarat Kerajaan Negeri to be expedient.

(b) A licence shall not be transferred or assigned in any manner whatsoever unless with the prior written approval of the Majlis Mesyuarat Kerajaan Negeri.

(3) A licensee shall not have any right of renewal of his licence:

Provided that the Majlis Mesyuarat Kerajaan Negeri may, extend the period of a licence upon such terms and conditions as he may deem fit to impose.

[Am. Cap. A210/2023]

(4) The period of duration of every licence shall be set out in it and, in every licence which permits the supply of energy to any person other than the licensee, there shall be set out—

- (a) the area of supply;
- (b) the declared voltage and the variations permitted on it;
- (c) the maximum charges payable by consumers; and
- (d) such other matters as the Majlis Mesyuarat Kerajaan Negeri may consider desirable.

(5) There shall be exempted from this section any installation, the rated capacity of which does not exceed fifty kilowatts if that installation—

[Am. Cap. A210/2023]

(a) *[Deleted by Cap. A109.]*

(b) is contained entirely within the premises owned or lawfully occupied by the owner of the installation and the electricity is used within that premises; and

[Ins. Cap. A210/2023]

(c) is installed in accordance with the Electricity Rules, 1999 *[Swk. L.N. 84/99]*.

[Am. Ord. No. 21/58; Am. Cap. A36; Am. Cap. A81; Am. Cap. A109.]

(6) Prior to the grant of any licence under subsection (1) the Majlis Mesyuarat Kerajaan Negeri shall:-

- (a) consult the single buyer being the authorized buyer of electricity for the purpose of supply and distribution to consumers in the State and who is the owner of the grid transmission system in the State; and

(b) consider any recommendations which may be made by the single buyer regarding the application for a licence..

[Am. Cap. A36, Sub. Cap. A210/2023.]

(7) Any licence issued under this section shall contain such terms and conditions as stipulated in the rules made under section 36 and such other terms and conditions as the Majlis Mesyuarat Kerajaan Negeri may deem fit to impose.

(8) The Majlis Mesyuarat Kerajaan Negeri may, by terms to be incorporated in any licence, authorize a licensee to supply electricity generated under his licence to any person or party outside the State, subject to such conditions, limitations or restrictions as it deems fit to impose.

[Add. Cap. A210/2023]

Power to fix tariffs

4A.—(1) A licensee may, in relation to the supply and transmission of electricity, levy such tariffs as may be approved by the Majlis Mesyuarat Kerajaan Negeri from time to time, having regard to any condition in the licence which relates to the supply of electricity in different areas, circumstances and for different categories of usage.

(2) A tariff fixed pursuant to subsection (1) may include—

(a) a standing charge in addition to the charge for actual electricity supplied;

(b) a charge in respect of the availability of a supply of electricity and that charge may vary according to the extent and regularity of supply;

(c) rent or other charges in respect of any electricity meter or electrical plant, apparatus or equipment provided by the licensee; and

(d) the costs of transmission or distribution of electricity to provide for the supply of electricity generally or to any particular area or region within the area of supply of a licence.

(3) Notwithstanding subsection (2), a licensee may enter into a special agreement with any other licensee or any person pursuant to

section 27B for the supply and purchase of electricity, and in such case, the tariffs stipulated in the special agreement shall apply.

[Sub. Cap. A210/2023]

(4) In fixing tariffs pursuant to subsection (1) and in the making of agreements for supply of electricity under subsection (3), 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.

(5) The tariffs fixed pursuant to subsection (1) shall be published in the *Gazette* and in at least two newspapers having circulation in Sarawak.

[Ins. Cap. A36; Am. Cap. A81.]

(6) Notwithstanding any other provisions in this Ordinance, a licensee may impose a surcharge at the rate prescribed by rules made under section 36 for late payment of any moneys due from a consumer to the licensee in respect of the electricity or other services supplied by the licensee.

[Add. Cap. A210/2023]

Power to recover expenses

4B.—(1) Where any supply line or electrical plant or equipment is provided by a licensee, the licensee may require any expenses reasonably incurred 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 capitalised value of any expenses likely to be so incurred in maintaining it, if those expenses cannot be recovered by the licensee as part of the tariffs levied by him for the supply.

[Ins. Cap. A36.]

Power to require security

4C.—(1) A licensee may require any person who requires a supply of electricity, whether under a special agreement or otherwise, to give him reasonable security for all moneys which may become due to him—

[Ins. Cap. A210/2023]

(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 that 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 fourteen 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 the security, the licensee may, if he thinks fit, discontinue the supply until the security is given.

[Ins. Cap. A36.]

Fixing of maximum price for reselling electricity

4D.—(1) The Minister may fix the maximum prices at which electricity may be resold by any person under licence to any consumer or group of consumers in any particular area or premises, and may publish the prices so fixed in such manner as in his opinion will secure adequate publicity for them.

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

(3) 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.

[Ins. Cap. A36.]

Charge for supply of electricity to be ascertained by appropriate meter

4E.—(1) Where a consumer 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 provided by the licensee, whether by way of sale, hire or loan.

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

(4) If—

(a) the consumer refuses or fails to have his supply of electricity through the appropriate meter; or

(b) that meter has been tampered with so as to prevent it from recording correctly or accurately the quantity of electricity supplied to or used by the consumer; or

(c) the consumer has been convicted of an offence under section 33(5),

the licensee may discontinue the supply of electricity to that consumer.

(5) 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 that use.

[Ins. Cap. A36; Am. Cap. A81.]

Special conditions relating to licence for hydro electricity

4F. Where a licence is granted for the generation of electricity by water power, the Majlis Mesyuarat Kerajaan Negeri may specify in it conditions and restrictions relating to—

(a) diversion of waters of any river, regulating water flow or the impounding of water in any river for hydro station or installation including cascading hydro station or installation;

[Ins. Cap. A210/2023]

(b) activities or works which a licensee may undertake or carry out in a reservoir created for the generation of electricity, under the licence;

(c) activities, works or other undertakings which a licensee may do or carry out or authorize to be done on his behalf, in any water catchment area, declared under the Water Ordinance, 1994 [Cap. 13]; and

(d) activities that could have an adverse impact on the environment:

Provided that these conditions and restrictions—

(i) shall not be inconsistent with any other written law; and

(ii) the compliance and fulfilment of them shall not relieve the licensee from observing or implementing or carrying out any directive, order or direction issued by—

(aa) the Controller or Environmental Quality under the Natural Resources and Environment Ordinance [Cap. 84 (1958 Ed.)] or its subsidiary legislation;

(bb) the Controller of Rivers under the Sarawak Rivers Ordinance, 1993 [Cap. 4] or its subsidiary legislation; and

(cc) the State Water Authority under the Water Ordinance, 1994 [Cap. 13] or its subsidiary legislation.

[Am. Cap. A109.]

Special provisions relating to solar power

4G.—(1) Any person may develop, build, and maintain an installation, with a generation capacity not exceeding fifty kilowatts, at his premises for the production of solar power for his own use within his premises:

Provided that—

(a) the installation is approved by the Director and maintained by an authorized agent; and

(b) where the solar power produced is in excess of the consumption in his premises, the excess may be procured by or supplied to the single buyer, as the case may be.

(2) No person shall develop, build, and maintain an installation, with a generation capacity in excess of 50 kilowatts for the production of solar power either:

(a) partly for his own use within his premises and partly for sale to the single buyer; or

(b) wholly for sale to the single buyer,

without a licence issued by the Majlis Mesyuarat Kerajaan Negeri in accordance with the terms and conditions prescribed in the rules made under section 36.

(3)(a) Any person shall apply for licence under subsection (2) to the Director in accordance with the procedures prescribed in the Electricity Rules, 1999 [*Swk. L.N. 84/99*] and shall submit in support of the application, the following:-

(i) details of the solar PV system to be installed;

(ii) plan of the system for conveying or dispatch of the solar power to a supply line system of the single buyer;

(iii) a copy of an agreement entered into between the applicant and the single buyer; and

(iv) such other particulars as may be required by the Director.

(b) (i) Before submitting the application for licence under subsection 3(a), the applicant shall enter into an agreement in subsection (3)(a)(iii) with the single buyer for the sale of the solar power and the conveyance of the solar power to the supply line system of the single buyer on such terms and conditions to be agreed with the single buyer.

(ii) In the event the single buyer and the applicant are unable to agree on the price of the solar power to be sold under the agreement, such matter shall be resolved in accordance with rules made under section 36.

(c) The Director, upon being satisfied that the application complies with the requirements under this section, and that the prescribed application fees had been paid, submit the application for consideration by the Majlis Mesyuarat Kerajaan Negeri.

(d) Any decision of the Majlis Mesyuarat Kerajaan Negeri on an application for licence shall be final.

(4) Solar power generated by the licensee by a licence issued under this section, may be sold to another consumer where the single buyer has notified the licensee, in writing, that it does not require the solar power.

[Add. Cap. A210/2023]

Competent control

4H.—(1) No installation owned or managed by a licensee shall be worked or operated except under the control of persons possessing such qualifications and holding such certificates as may be prescribed by rules made under section 36(1), and no person who does not possess the qualifications or holding those certificates shall be in charge of that installation or shall control the operation of any installation, electrical plant or apparatus.

(2) Any person who contravenes this section shall be guilty of 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 fine not exceeding one thousand ringgit for every day or part of a day during which the offence continues.

[Add. Cap. A109, Am. Cap. A210/2023.]

Supply lines and other apparatus on State land

5.—(1) Subject to such conditions as the Majlis Mesyuarat Kerajaan Negeri may deem proper, a licence may, notwithstanding the

Land Code [*Cap. 81 (1958 Ed.)*], authorize the licensee to lay, place or carry on, under or over State land, to the extent and in the manner specified in the licence, such supply lines and to erect and maintain in or upon State land such posts and other apparatus as may, in the opinion of the Director, be necessary or proper for the purposes of the licensed installation, and the Majlis Mesyuarat Kerajaan Negeri may give or add to that authorization at any time during the currency of the licence, that authorization or addition to be endorsed on it under the hand of the Minister.

[Am. Cap. A109.]

(2) All apparatus placed in or upon State land which is not removed from it within six months, or such longer period as the Minister may permit, after the expiration or determination of the licence under the authority by which such apparatus was so placed, shall vest in and become the property of the Government.

Security, suspension of and revocation of licence

6.—(1) The Majlis Mesyuarat Kerajaan Negeri may require that, before the issue of any licence, such security as it may specify shall be furnished for the due observance of the terms and conditions of the licence and of the provisions of this Ordinance and its rules.

(2) A licence may at any time be suspended or revoked by the Majlis Mesyuarat Kerajaan Negeri on breach of any of its conditions, or for failure to comply with any provisions under this Ordinance.

[Am. Cap. A210/2023]

Restriction of use to specified purposes

7. A licensee who is, by the conditions of his licence, restricted to using or supplying energy for specified purposes only shall not use or supply that energy for any purpose other than those so specified.

Periodical inspection of installation

8.—(1) (a)(i) Subject to any exemption that may be granted by the Director in any special case, any person who intends to

construct, extend, modify, alter or re-locate any installation shall give written notice of that intention to the Director.

(ii) That person or anyone duly authorized by him shall, together with the notice referred in subparagraph (i), submit to the Director, plans or drawings of the installation or intended extension, modification or alteration thereof or the site where the installation is to be relocated, and shall obtain the approval of the Director of such plans and drawings before commencement of any works pertaining to that construction, extension, modification, alteration or relocation.

[Sub. Cap. A109.]

(b) The Director shall not issue the notice of commencement unless he is satisfied that the licensee has complied with all the requirements of this Ordinance or any other written law applicable to the construction of the installation or power generating plant.

[Am. Cap. A109.]

(c) The Director or any Inspector or any other person authorized by him in writing may inspect the works and the installation or power generating plant during the construction and, upon receipt of notice of completion of it, a final inspection shall be carried out by the Director or Inspector or any other person authorized by him, before a Certificate of Completion of it is issued by the Director.

[Am. Cap. A109.]

(d) In addition to the inspections referred to in paragraph (c), all installations or power generating plants, while in operation, shall be subject to such periodical inspections as shall be determined by the Director.

[Am. Cap. A109.]

(e) The management or person in charge of any installation or power generating plant shall afford full facilities and cooperation for inspections to be carried out under this section.

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

(3) The licensee and management and persons in charge of any installation or of the construction of any installation shall afford full facilities for inspection during all reasonable times.

[Am. Cap. A81.]

(4) Any person who contravenes any of the provisions of subsection (1) or (3) shall be guilty of an offence punishable under section 33(11).

[Add. Cap. A109, Am. Cap. A210/2023.]

Electrical interference with signalling lines

9.—(1) (a) If the Director is satisfied, upon the report of an Inspector or otherwise, that the working or operation of any installation causes electrical interference with any radio-communication, telecommunication, telegraph, telephone or other electrical signalling process or circuits, owned or operated by or on behalf of the Government of Malaysia or of Sarawak, the Director shall call upon the licensee or owner of that installation, or its management, to abate the interference.

[Am. Cap. A109.]

(b) If within a period of fourteen days or such longer period as the Director considers reasonable in any particular circumstances and the interference has not been effectually abated, the Director may by order in writing prohibit the working or operation of the installation.

[Am. Cap. A109.]

(2) If any dispute arises between the Director and the licensee or owner of an installation, or its management, concerning the exercise of the powers conferred on the Director by this section, that licensee, owner or its management may appeal to the Majlis Mesyuarat Kerajaan Negeri whose decision shall be final.

[Am. Cap. A36; Am. Cap. A109.]

Restriction of connection with earth

10.—(1) No person shall, in the generation, transmission, distribution, supply or use of energy, permit any part of his supply line to be connected with earth, except as may be required by rules made under section 36 or be expressly permitted by an Inspector.

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

[Am. Cap. A81; Am. Cap. A109.]

Procedure in case of dangerous defect in installation or apparatus

11.—(1) In the event of an Inspector finding in any installation or apparatus any defect which in his opinion is likely to cause danger, he may, by notice in writing posted at the place where the installation or apparatus to which it relates is installed or working, or served upon the licensee, owner or its management, require that defect to be made good or removed within such period as may be specified in the notice, and, in such case, the installation or apparatus shall not be operated or used after the expiration of that period unless the defect has been made good or removed to the satisfaction of the Inspector:

Provided that, if the Inspector is of the opinion that the defect is likely to cause immediate danger, he may, by notice posted or served as said above, immediately suspend the operation and use of that installation or apparatus until that defect is made good or removed and, in such case, the installation or apparatus shall not be operated or used so long as that notice of suspension remains unrevoked.

(2) Whenever an Inspector posts or serves a notice under subsection (1), he shall immediately send to the Director a copy of the notice together with his reasons for posting or serving the notice, and the Director may, whether the licensee or owner or management of the installation or apparatus to which the notice relates has complained to the Director or not, vary or cancel the notice.

[Am. Cap. A109.]

(3) Every licensee and every management and person in charge of an installation becoming aware of a defect in it which is likely to cause danger, and every consumer becoming aware of a defect in any apparatus which is likely to cause danger, shall immediately make good or remove the defect, or make a report of it to an Inspector.

(4) If in the opinion of the Director any defect in an installation is of such a nature that it cannot be made good or removed the Majlis Mesyuarat Kerajaan Negeri may, whether it has caused an inquiry to be held or not, revoke the licence.

[Am. Cap. A109, Am. Cap. A210/2023.]

(5) Any person who contravenes or fails to comply with subsection (1) or (3) shall be guilty of an offence.

Neither Government nor its officer liable for loss or damage

12. Neither the Government nor its officer shall be liable for any loss or damage caused to any person by the suspension of operation and use of any installation or apparatus or by the suspension or revocation of a licence under this Ordinance.

Entry on premises

13.—(1) Subject to subsection (2), an Inspector or an authorized agent may enter upon any premises in or upon which any installation or apparatus may be, at any time between the hours of 6 a.m. and 6 p.m. and also at any time when the installation or apparatus may be at work.

(2) An Inspector or an authorized agent seeking to enter any premises under the powers conferred by subsection (1) shall carry, and shall produce on demand, an official identification card or badge in such form as may be prescribed, and no person shall be obliged to admit to his premises any person purporting to be an Inspector or an authorized agent except upon production of that official identification card or badge.

[Am. Cap. A210/2023.]

Report and investigation of accidents

14.—(1) When any accident causing or resulting in, or of such a kind as to be likely to have caused or resulted in, loss of life or personal injury, or of such a kind as to affect the public safety or endanger or disrupt the supply of electricity to any consumer, has occurred in connection with any installation or electrical plant or apparatus, the owner or licensee and its management shall report the accident to the Director forthwith, and subsequently with the least possible delay shall report in writing to the Director the facts of the matter so far as they are known to them respectively.

[Am. Cap. A109, Am. Cap. A210/2023.]

(2) The Director may, if he deems it necessary, direct an Inspector or appoint any other fit person to inquire into and report on any accident which may have been occasioned by or in connection with any installation, electrical plant or apparatus, whether or not he has received notice of the accident under subsection (1); and any person appointed under this section, not being an Inspector, shall for the purposes of the appointment have all the powers of an Inspector under this Ordinance.

[Am. Cap. A109.]

(3) Any person who, without lawful excuse, fails to comply with subsection (1) shall be guilty of an offence.

Powers of holding inquiry

15. For the purpose of holding inquiries under this Ordinance, an Inspector or an authorized person shall have power to administer oaths and affirmations and shall be vested with the powers of a Magistrate for compelling the attendance of witnesses, maintaining order and otherwise duly conducting those inquiries. Persons summoned to attend any such inquiry shall be legally bound so to attend.

[Am. Cap. A210/2023]

Authority to enter and occupy land to establish installation

16.—(1)(a) A Superintendent of Land and Survey may authorize in writing, any licensee to exercise the rights over any land reserved to the Government under section 37(a) of the Land Code [*Cap. 81 (1958 Ed.)*] subject to any condition or limitation or restriction stipulated in the authorization.

(b) Any licensee authorised under subsection (1) may, after giving notice in writing to the owner or occupier of any land, subject to subsections (4), (5) and (6), enter upon such land for the purpose of:

(i) conducting any inspection or survey of the land to determine the suitability thereof for the siting or erection of any installation for the transmission, distribution, and supply of electricity;

(ii) laying, placing or installing on, under, above or below the land, any towers, supply line, cables or other apparatus for the transmission, distribution and supply of electricity;

(iii) maintaining, repairing, replacing, upgrading, or undertaking other incidental works on the installation on the land; or

(iv) inspecting the installation on the land to ensure that they are properly maintained and does not cause any danger or injury to persons or property.

(c) Compensation shall be paid to the owner or occupier of the land for any damage or injury to any person, building, crop or any property thereon caused directly by the entry of, or the work or activity conducted on the land by the authorized licensee, his contractors, employees or workmen where entry to the land is exercised pursuant to this section.

(2) The notice required to be given under subsection 1(b) shall state as fully and accurately the nature and extent of the acts or activity to be undertaken by the authorized licensee on the land and

inform the owner or occupier that he has the right to seek compensation for the loss or damage to his land, buildings and appurtenances on the land, and that such compensation will be assessed by the Superintendent.

[Sub. Cap. A210/2023]

(3) That notice shall be deemed to be properly given if sent by registered post or left at the usual or last known place of abode of the person to whom it is to be given or, if the usual or last known place of abode of that person cannot be ascertained, by fixing the notice conspicuously on some part of the land.

(4) The owner or occupier may, within fourteen days of the receipt of that notice, lodge an objection to the intended acts of the licensee. That objection shall be made to the Director of Lands and Surveys, in writing, and the Director of Lands and Surveys shall give notice of that objection to the licensee.

[Am. Cap. A210/2023]

(5) If no objection is lodged within the time limited for that purpose by subsection (4), the licensee may immediately enter on the land and do all or any of the acts specified in that notice.

(6) If an objection is lodged and is not withdrawn before the date fixed for its hearing, the Director of Lands and Surveys shall hold an inquiry, giving all parties an opportunity to be heard.

(7) Upon conclusion of the enquiry, the Director of Lands and Surveys may:

(a) either unconditionally or subject to such terms and conditions as he deems fit and proper to impose, authorize or prohibit any of the acts or activities stipulated in the notice; or

(b) make recommendation to the Minister charged with the responsibility for land to acquire such land or part thereof under the relevant provisions of the Land Code [*Cap. 81 (1958 Ed.)*] or to undertake such measures as may be necessary or expedient to enable the acts or activities mentioned in the notice to be undertaken in the public interests.

[Sub. Cap. A210/2023]

(8) Nothing in this section shall affect the right of a licensee to enter into any agreement with the registered proprietor of land for the use of his land or any part thereof for any of the purposes specified in subsection (1)(b).

[Add. Cap. A210/2023]

Maintenance, repair and upgrade of installation

[Am. Cap. A210/2023]

17. Whenever it is necessary so to do for the purpose of maintaining, repairing or upgrading a licensed installation or any part of it, the licensee or any person authorized by him may, at all reasonable times—

[Am. Cap. A210/2023]

- (a) enter upon any land on, under or over which supply lines have been laid, placed or carried, or upon which posts or other apparatus have been erected;
- (b) carry out all necessary repairs, and in the course of it, fell or lop trees, remove vegetation; and
- (c) do all other things necessary to that purpose:

Provided that no compensation shall be payable for such entry, felling, trimming, pruning of trees or removal of vegetation where the trees or crops were planted after the installation of such licensed installation, or the land was State Land at the time of installation of such licensed installation.

[Sub. Cap. A210/2023]

Removal or alteration of supply line, etc.

18.—(1) Where a supply line has been laid, or posts or apparatus erected, on any land under section 16 or 17 and the owner or occupier of the land desires to use the land in such a manner as to render it necessary or convenient that the line, posts or apparatus should be removed to another part of the land, or to a higher or lower level, or altered in form, he may require the licensee to remove or alter the line, posts or apparatus accordingly.

(2) If the licensee omits to comply with the requisition that person may apply in writing to the Director of Lands and Surveys who may, after inquiring into all the facts of the case, reject the application or make an order, either absolutely or subject to conditions, for the removal or alteration of the line, posts or apparatus. 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 of Lands and Surveys may consider equitable in the circumstances of the case.

(3) Whenever a supply line has been laid, or posts or apparatus erected, on State land, and that land is subsequently alienated to any person, the owner or occupier of that land may, unless the terms of alienation expressly provide otherwise, require the removal to another part of that land, or to a higher or lower level, or the alteration of the line, posts or apparatus, and subsections (1) and (2) shall apply to the requisition:

Provided that, subject to the conditions of the licence, the cost of executing that removal or alteration shall be defrayed by the person making the requisition.

Right of way for supply line

18A. Notwithstanding sections 16 and 18—

(a) a licensee may enter into an agreement, with the owner or occupier of any land to secure a right of way under, through or over the land for the laying, erecting, maintaining, or protecting a supply, transmission or distribution line to convey or deliver electricity to consumers where there is no other alternative route for such line to be laid or erected;

(b) an agreement entered into pursuant to subsection (1) shall be known as a “wayleave agreement”;

(c) a wayleave agreement, whether entered into before or after the coming into force of this section, shall confer upon the licensee such interests or rights over the land to the extent and subject to such limitations or conditions stated in the wayleave agreement; and

(d) a licensee may lodge a caveat against the land, or any part thereof described in the wayleave agreement in accordance with section 173(a) of the Land Code [*Cap. 81 (1958 Ed.)*].

[*Sub. Cap. A210/2023*]

Appeal

19. Any person aggrieved with a decision of the Director of Lands and Surveys made under section 16 or 18 may within twenty-one days of being notified of that decision, appeal in writing to the Minister charged with the responsibility for land whose decision thereon shall be final.

[*Sub. Cap. A210/2023*]

Power to fix lamp-posts, etc.

20. A licensee or any person authorized by the licensee may, subject to the by-laws in force in any local authority area—

(a) cause such lamp-irons, lamp-posts, insulating material, brackets, stays, rosettes or other apparatus to be put up or fixed upon or against the walls or palisades of any house, building or enclosure as may be deemed proper, doing as little damage as may be practicable and making sufficient amends by way of repairs, restoration or compensation to all persons interested for that damage as may be done;

(b) cause such number of lamps of such sizes and sorts to be put and affixed to such lamp-irons, lamp-posts and brackets as may be deemed necessary; and

(c) may cause them to be lighted during such hours as may be deemed necessary by the local authority.

Compensation

21.—(1) Where damage or injury is caused to any installation or property used for the generation, transmission, distribution or supply of electricity belonging to a licensee, the person liable for causing such damage shall pay to the licensee such sum as may be agreed between him and the licensee as compensation and in the

absence of such agreement, the compensation may be recovered by the institution of civil proceedings in a court of appropriate jurisdiction.

(2) Where a person has been convicted of an offence under this Ordinance and in the commission of such offence, damage is caused to any installation or property used for the generation, transmission, distribution or supply of electricity belonging to the licensee, the Court convicting him may order him to pay to the licensee such sum as the Court may determine as compensation or order that the amount of compensation be assessed by the Court.

(3) Any person who fails, neglects or refuse to comply with an order made under subsection (2) to pay compensation to the licensee shall be guilty of contempt of Court and subject to committal proceedings to be commenced by the licensee and such committal proceedings shall be in accordance with the procedure provided in Order 52 of the Rules of Court 2012 [*P.U.(A) 205/2012*].

(4) Nothing in this section shall affect or prejudice the right of a licensee from recovering damages or compensation from any person who caused damages or loss to any installation or property belonging to the licensee.

[*Sub. Cap. A210/2023*]

Power to break up streets, etc., under superintendence, and to open drains

22.—(1) A licensee, under such superintendence as specified in section 23, may—

(a) open and break up the soil and pavement of the several streets and bridges within his area of supply;

(b) open and break up any sewers, drains or tunnels within or under such street and bridges and lay down and place, within the same limits, supply lines and other works and, from time to time, repair, alter or remove them;

(c) for these purposes, remove and use all earth and materials in and under those streets and bridges; and

(d) in those streets, erect any poles, pillars, lamps and other works and do all other acts which the licensee shall from time to time deem necessary for supplying electricity to the inhabitants of his area of supply,

doing as little damage as may be in the execution of the powers granted by this section or by the licence, and making compensation for any damage which may be done in the execution of such powers, and subject to such rules as may be made under section 36.

(2) Where the licensee proposes to erect or has erected in any street, any poles, pillars, lamps or other works, or proposes to lay or has laid a supply line along any street, the Director or, as regards any street within a local authority area, the local authority may, notwithstanding any other provision in this Ordinance, by notice in writing, require the licensee to alter the proposed position or the position of those poles, pillars, lamps, other works or supply line.

[Am. Cap. A109, Am. Cap. A210/2023.]

(3) The reasonable cost of all work required to be done pursuant to subsection (2) shall be paid by the person that requires the work done.

[Add. Cap. A210/2023]

Conditions as to superintendence of breaking up of streets

23. No such street, bridge, sewer, drain or tunnel shall, except in the case of emergency, be opened or broken up, except under the superintendence of the persons having the control or management or of their officer, and according to such plan as shall be approved by such persons or their officer or, in the case of any difference respecting such plan, according to such plan as shall be determined by the Majlis Mesyuarat Kerajaan Negeri who may, on the application of the persons having the control or management, or their officer, require the licensee to make such temporary or other works as the applicants may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with a sewer or drain:

Provided that, if the persons having the control or management fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain or tunnel, after having had notice of the licensee's

intention, or shall not propose any plan for breaking up or opening it, or shall refuse or neglect to superintend the operation, the licensee may perform the work specified in that notice without the superintendence of those persons or their officer.

Street, *etc.*, broken up to be reinstated without delay

24.—(1) When the licensee opens or breaks up the road or pavement of any street or bridge, or any sewer, drain or tunnel, he shall, with all convenient speed,—

(a) complete the work for which the same shall be broken up;

(b) fill in the ground and reinstate and make good the road, pavement, sewer, drain or tunnel so opened or broken up; and

(c) carry away the rubbish occasioned by it.

(2) While that road or pavement shall be so opened or broken up, the licensee shall, at all times—

(a) cause the same to be fenced and guarded;

(b) cause a light sufficient for warning the public to be set up and maintained against or near that road or pavement, every night before sunset and until sunrise, during which the same shall be continued open or broken up; and

(c) keep the road or pavement which has been broken up in good repair for three months after replacing and making good the same, and for such further time, not being more than six months in the whole, as the soil so broken up shall continue to subside.

Penalty for delay in reinstating streets, *etc.*

25.—(1) If the licensee opens or breaks up any street, bridge, sewer, drain or tunnel—

(a) without giving such notice as prescribed under section 26, or in a manner different from that which shall have been approved or determined; or

(b) without making temporary or other works when so required, except in the cases in which the licensee is authorized by this Ordinance to perform those works without any superintendence or notice; or

(c) making any delay in completing any of those work, or in filling in the ground, or reinstating and making good the road, pavement, sewer, drain or tunnel so opened or broken up, or in carrying away the rubbish occasioned by it; or

(d) neglecting to cause the place where such road or pavement has been broken up to be fenced and lighted; or

(e) neglecting to keep the road or pavement in repair for the space of three months next after that road or pavement is made good or such further time as said above,

he shall forfeit to the persons having the control or management of the street, bridge, sewer, drain or tunnel in respect of which the default is made a penalty of five thousand ringgit for every default; and he shall forfeit an additional penalty of five thousand ringgit for each day during which any such delay shall continue after he shall have received notice of it.

[Am. Cap. A210/2023]

(2) If any such delay or omission takes place, the persons having the control or management of the street, bridge, sewer, drain or tunnel, in respect of which such delay or omission takes place, may cause the work so delayed or omitted to be executed, and the expense of executing the work shall be repaid to those persons by the licensee.

[Am. Cap. A210/2023]

Notice to be served on persons having control, etc., before breaking up streets or opening drains

26. Before the licensee proceeds to open or break up any street, bridge, sewer, drain or tunnel, he shall give to the persons having control or management the work, or to their officer, notice in writing of his intention, not less than seven clear days before beginning that work, except in cases of emergency arising from defects in any of the supply lines or other works, and then so soon as is possible after the beginning of that work, or after the necessity for that work shall have arisen.

Entitlement to supply of electricity

27.—(1) Any person who requires supply of electricity to his premises may apply to a licensee who by virtue of his licence can supply him electricity in the area where his premises are located and such application shall specify the premises in respect of which the supply is required, the maximum power required to be supplied and when the supply is required to commence.

(2) The licensee who is satisfied, after inspection by an Inspector or authorized agent by the licensee that:

(a) the system, electric lines, fittings and apparatus at the applicant's premises are in good order and condition to receive the supply;

(b) the supply thereto would not affect injuriously the use of electricity by the licensee or any other persons and would not endanger public or private safety; and

(c) the licensee's transmission or distribution system and other installations, at the location or area of the applicant's premises, is available or has the capacity to provide or supply the applicant with the electricity applied for,

may approve the application for supply and enter into agreement with the applicant, as a consumer, for the supply of electricity.

(3) Notwithstanding subsection (2), the licensee is not obligated to supply to the applicant, if:

(a) the supply to the applicant or premises has been previously discontinued under section 29; or

(b) any money due and owing by the applicant to the licensee has not been fully paid.

(4) A licensee may, pursuant to section 4A(3), enter into special agreement with a consumer who required electricity in excess of five megawatts, and such agreement shall stipulate special tariff for such supply and shall contain terms and conditions relating to the offtake of electricity including the provision of such security for the payment of tariff and performance of the agreement by the licensee, as the licensee may determine.

(5) Where a special agreement is entered under subsection (4), notwithstanding the provision of section 29, the supply of electricity may be discontinued or terminated in accordance with the terms of such agreement.

[Sub. Cap. A210/2023]

Supply Agreement with consumer

27A.—(1) A person who requested for a supply of electricity from the licensee after the date of coming into operation of this Ordinance 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 Director and at the tariff fixed pursuant to section 4A(1).

Special agreement with respect to supply

27B.—(1) Notwithstanding anything contained in section 4A, a person who requires a supply and purchase of electricity pursuant to section 27(1) in excess of five megawatts may enter into a special agreement with a licensee for the supply and purchase of electricity 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 governed by such agreement.

(3) Notwithstanding subsection (2), section 27(1) 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), if the single buyer is not a party thereto, shall, after consultation with the single buyer, may be approved by Majlis Mesyuarat Kerajaan Negeri.

[Add. Cap. A210/2023]

Equality of treatment

28. A licensee shall not show any undue preference as between consumers in the same locality and where the conditions of supply including the amount of consumption, are similar; but, except as said before, a licensee may make such charges for the supply of energy as may be agreed upon, not exceeding the limits of price imposed by licence.

Conditions under which supply may be discontinued

29.—(1) If a consumer or the occupier of his premises—

(a) uses any form of lamp or other energy consuming apparatus, or uses the energy supplied to him by the licensee, in such a manner as to interfere unduly or improperly with the efficient supply of energy to any other person;

(b) makes any alteration in his installation which endangers public safety or private safety;

(c) makes any alteration in his installation without the previous approval of the licensee, which interferes unduly or improperly with the efficient supply of energy to any other person;

(d) fails to give reasonable facilities for testing, inspection or meter reading;

(e) interferes with the licensee's supply line or seals;

(f) is reasonably suspected to have committed any offence under section 33(3), (4) or (5);

(g) is in breach of an agreement or special agreement for supply of electricity with the licensee and under the terms of that agreement, the licensee is entitled to discontinue supply;

(h) is requested in writing by a police officer not below the rank of Assistant Superintendent of Police to disconnect supply to prevent commission of any criminal offence; or

(i) has used the electricity for an unlawful or illegal purpose or for a purpose which is deemed to have contravened any law for the prevention of crimes,

[Add. Cap. A210/2023]

the licensee may discontinue the supply of energy to the premises of that consumer so long as the consumer or occupier makes default in respect to any of those matters.

(2) A licensee may discontinue to supply electrical energy to any person whose payments for the supply of electrical energy are in arrear whether any such payments are due to the licensee in respect of a supply to the premises in respect of which that supply is demanded or in respect of other premises:

Provided that before the licensee discontinues supply he shall furnish to the person whose supply is to be discontinued a statement certifying the payments that are in arrears and in the absence of manifest error, the amount stated in the statement shall be conclusive evidence of those payments that are in arrears.

(3) If any difference arises as to whether a licensee is entitled under subsection (1) to discontinue to supply energy, that difference shall be determined by the Director.

[Am. Cap. A81; Am. Cap. A109.]

Temporary discontinuance of supply of energy

30. Notwithstanding anything in this Ordinance, a licensee, upon giving, except in cases of emergency, at least twenty-four hours' notice to consumers whose supply it is intended to discontinue temporarily, may—

(a) whenever unable for any reason to maintain a continuous supply of energy to all his consumers, so far as the public interest demands and without undue preference as between his consumers, discontinue to supply some or all of his consumers for such period as will enable the best use, in the public interest and in the interest of his consumers, to be made of the energy available; or

(b) discontinue to supply energy for short periods whenever it becomes necessary for the purpose of carrying out an inspection or repairs or of making new connections.

Prohibition of employment of children

31.—(1) No licensee or management shall employ or permit to be employed, on any service involving management of, attendance on or proximity to live apparatus not effectively insulated, any person under the age of sixteen years.

(2) Any person who contravenes this section shall be guilty of an offence: Penalty, a fine of one thousand ringgit.

Power to delegate

32.—(1) The Majlis Mesyuarat Kerajaan Negeri may delegate all or any of its powers under this Ordinance or its rules to any person, subject to such conditions and limitations as it may see fit to impose, and may revoke that delegation.

[Am. Cap. A210/2023]

(2) The Director may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, delegate all or any of the powers conferred on him by this Ordinance or its rules to any person, subject to such conditions and limitations, as the Majlis Mesyuarat Kerajaan Negeri may see fit to impose, and the Director may, with like approval, revoke that delegation.

[Am. Cap. A109.]

(3) The Director of Lands and Surveys may delegate to any Superintendent of Lands and Surveys all or any of the powers conferred on him by this Ordinance, subject to such conditions and limitations, as he may see fit to impose, and may revoke that delegation.

(4) A delegation of powers under this section shall not in any way prejudice the right of the Majlis Mesyuarat Kerajaan Negeri, the Director or the Director of Lands and Surveys, as the case may be, to exercise those powers himself.

[Am. Cap. A109.]

Power of investigation

32A.—(1) An Inspector or a police officer or any authorized person shall have the power to investigate the commission of any offence under this Ordinance or its rules.

(2) In any investigation into any offence under this Ordinance which is a seizable offence, the Inspector or a police officer or an authorized person shall have such powers as conferred by the Criminal Procedure Code [*Act 593*] on the police for investigating seizable offences except that the power of arrest without a warrant shall not be exercised by the Inspector or an authorized person.

[Ins. Cap. A36; Am. Cap. A81; Am. Cap. A109, Sub. Cap A210/2023.]

Power of entry by warrant or otherwise, inspection, examination, seizure, etc.

32B.—(1) An Inspector or a police officer or an authorized person may, for the purposes of discharging any of his duties or carrying out any of his functions under this Ordinance or its rules, or otherwise for any of the purposes of this Ordinance or its rules, enter at any reasonable time upon any land, house or building with or without supply of energy to inspect and examine any part of an installation or equipment, or for other proper cause.

[Am. Cap. A210/2023]

(2) In every case where information is given on oath to a Magistrate that there is reasonable cause for suspecting that there is in

any land, house or building any article, thing, book, document, installation or part of it used or intended to be used in relation to which any offence under this Ordinance has been committed, he shall issue a warrant under his hand by virtue of which any Inspector or police officer or any authorized person named or referred to in the warrant may enter the land, house or building at any reasonable time by day or night, and search for and seize or seal any such article, thing, book, document, installation or part of it:

Provided that if an Inspector or police officer or any authorized person is satisfied upon information received that he has reasonable grounds for believing that by reason of delay in obtaining a search warrant, any article, thing, book, document, installation or part of it used to commit or to be used to commit an offence under this Ordinance is likely to be removed or destroyed, he may enter that land, house or building without a warrant, and seize or seal any such article, thing, book, document, installation or part of it inside there.

(3) An Inspector or a police officer or any authorized person making the search may seize any article, thing, book, document, installation or part of it used or intended to be used or capable of being used for the purpose of committing an offence under this Ordinance for the purpose of any investigation or prosecution under this Ordinance.

[Sub. Cap. A210/2023]

(4) Any Inspector or police officer or any authorized person may in the exercise of his powers under subsection (2) or (3), if it is necessary so to do,—

(a) break open any outer or inner door of the dwelling house or any other premises and enter into it;

(b) forcibly enter the place and every part of it;

(c) remove by force any obstruction to entry, search, seizure and removal as he is empowered to effect; and

(d) detain every person found in the place until the place has been searched.

(5) An Inspector or police officer or any authorized person seizing any article, thing, book, document, installation or part of it

under subsection (2) or (3) shall prepare a list of the things seized and immediately deliver a copy signed by him to the occupier, or his agents or servants present in the premises; and if the premises are unoccupied, that Inspector or police officer or that authorized person shall wherever possible post a list of the things seized on the premises.

(6) An Inspector shall at all time carry an official identification card or badge in such form as may be prescribed, and no person shall be obliged to admit to his land, house or building any person purporting to be an Inspector except upon production of the identification card or badge.

[Ins. Cap. A16; Am. Cap. A81.]

(7) Where there is reason to believe that an offence under this Ordinance has been committed by a person who is unknown or cannot be found, all property seized in respect of the offence shall be taken possession of by the Director or the authorized person who shall report the seizure to a Magistrate, and the Magistrate shall deal with the property as if it were the subject of a report to him under section 413 of the Criminal Procedure Code [*Act 593*].

[Add. Cap. A210/2023]

Obstruction, etc., and offence

32C. Any person who—

(a) refuses any Inspector or a police officer or any authorized person or licensee or authorized agent access to any place; or

(b) assaults, obstructs, hinders or delays any Inspector or a police officer or any authorized person or licensee or authorized agent in effecting entry which he is entitled to effect under this Ordinance or in the execution of any duty imposed or power conferred by this Ordinance,

shall be guilty of an offence: Penalty, a fine of fifty thousand ringgit or imprisonment for two years or both.

[Ins. Cap. A36; Am. Cap. A81, Am. Cap. A210/2023.]

Admissibility of statement

32D. Notwithstanding any written law to the contrary, where a person is charged with an offence under this Ordinance any statement, whether the statement amounts to a confession or not or whether it is oral or in writing, made at any time, whether before or after the person is charged and whether in the course of investigation under this Ordinance or not and whether or not wholly or partly in answer to questions, by the person to or in the hearing of an Inspector and whether or not interpreted to him by an Inspector or any other person concerned or not in the case shall be admissible at his trial in evidence, and, if the person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit:

Provided that—

(a) no such statement shall be admissible or used as said above—

(i) if the making of the statement appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against that person proceeding from the person in authority and sufficient in the opinion of the Court to give a person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him; or

(ii) in the case of a statement made by the person after his arrest, unless the Court is satisfied that he was cautioned in the following words or words to the like effect:

“It is my duty to warn you that you are not obliged to say anything or to answer any question but anything you say, whether in answer to a question or not, may be given in evidence.”; and

(b) a statement made by any person before there is time to caution him shall not be rendered inadmissible in evidence

merely by reason of his not having been cautioned if he is cautioned as soon as possible.

[Ins. Cap. A36.]

Offences

33.—(1) Any person who, in contravention of section 4, supplies energy from an installation to or for the use of any other person shall be guilty of an offence: Penalty, in the case of a first offence, a fine of one hundred thousand ringgit and, in the case of a continuing offence, a further fine of one thousand ringgit for every day or part of a day during which the contravention is continued after the first day on which a conviction is had.

(2) Any person who, in contravention of section 4, uses, works or operates, or permits to be used, worked or operated, any installation shall be guilty of an offence: Penalty, in the case of a first offence, a fine of one hundred thousand ringgit and, in the case of a continuing offence, a further fine of one thousand ringgit, for every day or part of a day during which the contravention is continued after the first day on which a conviction is had.

(3) Any person who wilfully so tampers with or adjusts any installation or part of it as to cause or to be likely to cause danger to human life or limb or injury to any apparatus or other property shall be guilty of an offence: Penalty, not exceeding one million ringgit or to imprisonment not exceeding ten years, or to both.

[Am. Cap. A210/2023]

(4) Any person who, by any rash or negligent act or omission in respect of any installation or part of it under his control, causes hurt to any person or injury to property shall be guilty of an offence: Penalty, a fine of fifty thousand ringgit or imprisonment for three years or both.

(5) Any person who dishonestly abstracts, consumes or uses any energy, or dishonestly alters the index of any meter or other instrument used on or in connection with any licensed installation for recording the output or consumption of energy, or dishonestly prevents any such meter or instrument from duly recording the output or consumption of energy, shall be guilty of an offence: Penalty, a

fine of not exceeding two hundred thousand ringgit or imprisonment for five years or both.

[Am. Cap. A210/2023]

(6) Any licensee who—

(a) fails, without lawful excuse, to comply with any of the conditions stipulated in his licence; or

(b) supplies energy to any person outside the area of supply stipulated in his licence; or

(c) fails to produce to an Inspector or any person duly authorized by him or to a public officer, for inspection, the licence issued to him; or

(d) permits any person, who is not a competent person, to manage, operate or maintain any installation to which the licence relates,

shall be guilty of an offence: Penalty, in the case of first offence, a fine of twenty thousand ringgit and in the case of any subsequent offence, a fine of fifty thousand ringgit, and a further fine of one thousand ringgit for every day or part of a day during which the offence continues after conviction.

(7) (a) No person shall without licence undertake any work or engage in any activity in the vicinity of any electrical installation or part of it in a manner likely to interfere with any electrical installation or to cause damage to any person or property.

(b) Any person who contravenes paragraph (a) shall be guilty of an offence: Penalty, a fine of five thousand ringgit or imprisonment for two years or both.

(8) Any person guilty of an offence against section 11(5) or section 14(3) shall be punished in the case of a first offence with a fine of five hundred ringgit and, in the case of a continuing offence, with a further fine of fifty ringgit for every day or part of a day during which the offence is continued after the first day on which a conviction is had.

(9) Any person who wilfully or negligently—

(a) causes energy to be diverted from its proper course to be wasted; or

(b) breaks, throws down, causes to fall or damages any supply line, post or other equipment, installation or any part of it connected with the supply of energy,

shall be guilty of an offence: Penalty, a fine of fifty thousand ringgit or imprisonment for five years or both.

(10) Any person who loads, feeds, transmits or causes electricity to be despatched or conveyed into a transmission or distribution line or system of a licensee without the approval in writing of that licensee shall be guilty of an offence, and upon conviction, shall be liable to a fine of not less than one hundred thousand ringgit or imprisonment up to five years, or to both.

[Add. Cap. A210/2023]

(11) Any person found guilty of any offence against this Ordinance or its rules for which no penalty is expressly provided shall be punished with a fine of ten thousand ringgit and, in the case of a continuing offence, with a further fine of eight hundred ringgit for every day or part of a day during which the offence continues after conviction.

(12) Whenever any agent or servant in the course of his employment does or omits to do any act the doing or the omission to do of which by his principal or employer would be an offence against this Ordinance, that agent or servant shall be guilty of that offence, and his principal or employer and any person at the time of the act or omission was in charge of the business or activity relating to which the act or omission occurred shall be guilty of that offence unless the principal or employer or such other person, as the case may be, proves to the satisfaction of the Court that he took all reasonable precautions to prevent the act or omission.

[Am. Ord. No. 16/57; Am. Cap. A36; Am. Cap. A81, Am. Cap. A210/2023.]

Right to recover loss of revenue

33A.—(1) Where a licensee is satisfied that—

(a) any meter installed for the purposes of section 4E(1) has been tampered with or damaged to prevent it from accurately recording the quantity of electricity supplied to the consumer; or

(b) any supply line or apparatus or system had been tampered with or altered or adjusted or operated in such a manner as to dishonestly abstract or divert energy,

then without prejudice to any prosecution that may be instituted against him for an offence under this Ordinance, the consumer shall be liable to pay to the licensee loss of revenue suffered by the licensee in consequence of it. That loss of revenue shall be assessed by the licensee:

Provided that if the precise date when the meter was tampered or damaged or when the supply line, apparatus or system was tampered, altered or adjusted could not be ascertained by the licensee, the amount of that loss shall not exceed five times the total amount of energy, that is estimated by the licensee to have been lost or dishonestly abstracted or consumed by the consumer, for a period of thirty-six months prior to the date of discovery of the acts referred to in paragraphs (a) and (b).

(2) A certificate signed by a person duly authorized by a licensee as to the amount payable as loss of revenue under subsection (1) shall, in the absence of manifest error, be conclusive evidence of the sum to be paid by the consumer to the licensee.

(3) If the amount certified under subsection (2) as loss of revenue is not paid by the consumer within such time as may be stipulated in the certificate, the licensee may discontinue supply of energy to the consumer.

(4) Nothing in subsection (3) shall be deemed to preclude the licensee from recovering the amount certified as loss of revenue, as a civil debt by way of legal proceedings.

[Ins. Cap. A81.]

Onus of proof

34. In any prosecution for an offence under section 33(5)—

(a) proof of the fitting of any mechanical or other means, or the removal of any essential part or connection, to, from or of

any apparatus which would facilitate the dishonest abstraction, consumption or use of energy shall, as against the person fitting or removing it, or causing it to be fitted or removed, or having control of the apparatus, be *prima facie* evidence of the dishonest abstraction, consumption or use; and

(b) the existence of artificial means for altering the index of any meter, or the existence of artificial means for the removal of any part of any apparatus for the purpose of preventing any meter or instrument from duly registering the quantity of energy supplied or for the purpose of dishonestly abstracting, consuming or using energy, shall, until the contrary is proved, be evidence that alteration, prevention, abstraction, consumption or use, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer using that meter or instrument and the person having control of the installation where it is fixed, or that the consumer or person has abetted the offence of that alteration, prevention, abstraction, consumption or use, as the case may be.

Conduct of prosecution

34A. Prosecution of any offence under this Ordinance or its rules may be conducted by the Public Prosecutor or any person authorized by him under section 377(b) of the Criminal Procedure Code [*Act 593*].

[*Ins. Cap. A36; Sub. Cap. A81.*]

Compounding of offences

34B.—(1) The Director or any authorized person may, subject to any rules made under section 36, with the consent in writing of the Public Prosecutor or any person appointed by him under section 376(3) of the Criminal Procedure Code [*Act 593*], accept from any person who has committed an offence which may be stipulated under the rules to be compoundable offences, one half of the maximum amount of the fine provided for the offence that has been committed.

(2) All sums of money received under this section shall be credited to the State Consolidated Fund.

[*Ins. Cap. A56; Am. Cap. A109, Sub. Cap. A210/2023.*]

Recovery of penalties

35. Any penalty due under section 25(1) or section 27(7) may be recovered by civil action in a court of appropriate jurisdiction.

Directives for reduction of emission of greenhouse gases

35A.—(1) The Minister, with the approval of Majlis Mesyuarat Kerajaan Negeri, may issue directives for all licensees:-

(a) to take or undertake such measures, actions and activities to reduce emission of greenhouse gases in the generation, transmission, distribution and supply of electricity;

(b) to adopt low carbon solutions in the operation and maintenance of installations established pursuant to their licence;

(c) to comply with all government policies and initiatives to reduce emission of greenhouse gases and energy transition towards having a green economy for the State; and

(d) to promote the development and supply of green or clean energy.

(2) Such directives may provide for penalties for non-compliance therewith and incentives for licencees for compliance with the directives.

[Add. Cap. A210/2023]

Rules

36.—(1) The Majlis Mesyuarat Kerajaan Negeri may make rules generally for carrying out the provisions of this Ordinance and, in particular, those rules may provide for—

(a) the duties under this Ordinance of an Inspector;

(b) the intervals, times and manner in which any installations or apparatus shall be inspected, the notice to be given in relation to inspections, and the preparations to be made by the licensees and the management for those inspections;

(c) the minimum standards and specifications which shall be used in the design, construction, protection and maintenance

of installations and apparatus, the conditions under which any installation or apparatus shall be worked or operated and the prohibition of use of dangerous apparatus;

(d) the means which may be employed (to the exclusion of other means) for the generation, transmission, distribution and application of energy;

(e) the class or design, or classes or designs, of wires, fittings and apparatus to be used by consumers, and the manner in which those wires, fittings and apparatus shall be erected, fixed, arranged, protected, controlled, inspected, tested and maintained;

(f) the fees to be paid for licences and any other fees in respect of acts done or duties performed under this Ordinance or its rules;

(g) the form and contents of, and the conditions to be prescribed in, licences, and the conditions for suspension, extension and revocation of licences;

(h) the qualifications to be possessed by electrical engineers, chagemen, wiremen or contractors before they may be entrusted with the construction, erection, repair or alteration of any installation or apparatus, the charge of any installation or the control of the operation of apparatus, as the case may be;

(i) the nature of the tests to be employed for ascertaining whether persons possess the qualifications prescribed by rules made under paragraph (h), the form and period of validity of certificates to be issued to persons found to possess those qualifications, the manner and conditions of the issue, suspension and revocation of those certificates and the fees to be paid for those tests and certificates;

(j) the measures to be taken and the fittings to be supplied and used in connection with installations in order to secure public safety and private safety;

(k) the manner of holding inquiries under this Ordinance;

(l) the form of notices and the manner of service of them;

(m) 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 or apparatus;

(n) any other matters permitted or required to be prescribed by this Ordinance for securing the safety of the public;

(o) the transmission or distribution and despatch of electricity and the design, standards, types and dimensions of transmissions lines, cables and towers;

[Am. Cap. A109.]

(p) the standards to be adopted for measurement of dimensions of any installation or equipment;

(q) the manner of calculating the power of generators and motors;

(r) the submission of financial statements and audited reports by licensees;

(s) the manner of execution of works of whatever nature in connection with the generation, supply or transmission of energy without prejudice to public or private safety;

(t) the fees payable in respect of the inspection, testing and maintenance of consumers' installations and apparatus, the fixing and testing of meters and in respect of any other services properly rendered by a licensee or a competent person;

(u) the compounding of any offences under this Ordinance or its rules;

(v) the regulation of the licensee and consumer relationship such as provisions on the recording of charges for electricity supply, connection, disconnection, restoration of supply by the licensee and entry into premises by licensee or their authorized agents for those purposes, and for the purpose of rephasing, repairing or altering any electricity line or plant or equipment and the form of notice to be given prior to that entry;

[Am. Cap. A36, Cap. A210/2023.]

(w) the forms and contents of, and the terms and conditions to be prescribed in licence to produce solar power, the installation and maintenance of solar PV system, the sale of solar power to the single buyer, the roles and duties of the single buyer and all matters incidental to the production, conveyance of solar power to the transmission or distribution grid of the single buyer and the terms of the agreement between the solar power producer and the single buyer;

(x) the levy of surcharge on late payment of tariffs and other monies due to the licencees;

(y) for the resolution of disagreement over the price of the solar power to be sold between the single buyer and any other licensee or consumers; and

(z) all other matters as are necessary or expedient to be prescribed for giving effect to, or for the better carrying out of the provisions of this Ordinance.

[Add. Cap. A210/2023]

(2) Any rules made under this section may be made to apply throughout Sarawak or to any particular area or areas of supply.

[List of Amendments]

LAWS OF SARAWAK

Chapter 50

ELECTRICITY ORDINANCE

LIST OF AMENDMENTS

| Amending Law | | Short Title | In force from |
|-----------------|--------|---|---------------------------------|
| Ord. 17/52 | ... .. | Electricity Ordinance, 1952 | |
| Ord. 20/54 | ... .. | Electricity (Amendment) Ordinance, 1954 | 1-1-1952 17-12-1954 |
| Ord. 16/57 | ... .. | Penalties (Amendment) Ordinance, 1957 | 16-9-1957 |
| Ord. 17/57 | ... .. | Revised Edition of the Laws (Omnibus) (No. 2) Ordinance, 1957 | 16-9-1957 |
| Ord. 21/58 | ... .. | Electricity (Amendment) Ordinance, 1958 | 22-9-1958 |
| Ord. 25/62 | ... .. | Sarawak Electricity Supply Corporation Ordinance, 1962 | 1-1-1963 |
| Swk. L.N. 68/64 | ... .. | Constitution (Transfer of Functions and Consequential (Malaysia Day) (Provisions) Order, 1964 | 16-9-1963 |
| Cap. A36 | ... .. | Electricity (Amendment) Ordinance, 1996 | 1-7-1996 |
| Cap. A81 | ... .. | Electricity (Amendment) Ordinance, 2000 | 1-1-2001 |
| Cap. A109 | ... .. | Electricity (Amendment) Ordinance, 2003 | 1-1-2004 |
| Cap. A210 | ... .. | Electricity (Amendment) Ordinance, 2023 | 1.2.2024 (Swk. L.N. 29/2024) |

LIST OF LAWS OR PART OF THEM SUPERSEDED

| No. | | | Short Title |
|---|-----|-----|-----------------------------|
| Ord. No. 17 of 1952 | ... | ... | Electricity Ordinance, 1952 |
| Chapter 137 (1958 Ed.) | ... | ... | Electricity Ordinance |
| Chapter 137 (1958 Ed.) Reprint 1967 | ... | ... | Electricity Ordinance |

Sarawak LawNet