



# **LAWS OF SARAWAK**

REPRINT

## **Chapter 50**

### **ELECTRICITY ORDINANCE**

*Incorporating all amendments up to 31st May, 2007*

PREPARED AND PUBLISHED BY  
THE COMMISSIONER OF LAW REVISION, SARAWAK  
UNDER THE AUTHORITY OF THE REVISION OF LAWS ORDINANCE, 1992  
**2007**

## 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 [Cap. 1]</i>	... ..	15th July, 2002

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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**

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## 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;

“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;

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

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\* 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.

“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 danger to health or to human life or limb from shock, burn or other injury resulting from the generation, transformation, distribution or use of energy, and includes danger to property resulting from that fire;

“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;

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

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

“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 a rotating machine of any type for changing mechanical energy into electrical energy;

“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 and consuming apparatus;

“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 or other erection and the land occupied or used in connection with it, being under one ownership, occupation or management;

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

“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;

“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.]*

### **Reference to Yang di-Pertua Negeri**

**2A.** In this Ordinance, a reference to the Yang di-Pertua Negeri shall be construed as a reference to the Yang di-Pertua Negeri acting in accordance with the advice of the Majlis Mesyuarat Kerajaan Negeri or of a member acting under the general authority of the Majlis.

*[Am. Cap. A36.]*

### **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 Yang di-Pertua 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 Yang di-Pertua 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 Yang di-Pertua Negeri.

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

Provided that the Yang di-Pertua Negeri may, in his absolute discretion, extend the period of a licence upon such terms and conditions as he may deem fit to impose.

(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 Yang di-Pertua Negeri may consider desirable.

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

- (a) *[Deleted by Cap. A109.]*
- (b) is contained entirely within the premises owned or lawfully occupied by the owner of the installation; and
- (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) The Yang di-Pertua Negeri shall, prior to the issue of a licence under this section, consult the Sarawak Electricity Supply Corporation and consider whatever representation which that Corporation wishes to make in relation to the issue of the licence.

*[Am. Cap. A36.]*

**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 Yang di-Pertua 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 special agreement with any person requiring supply of electricity, and in such a case, the tariffs stipulated in the agreement shall apply in relation to electricity supplied to that person.

(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.]

**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 to give him reasonable security for all moneys which may become due to him—

(a) in respect of the electricity supply; or

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

and if the person fails to give 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 Yang di-Pertua Negeri may specify in it conditions and restrictions relating to—

(a) diversion of waters of any river;

(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 of 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.*]

### **Competent control**

4G.—(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.*]

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

5.—(1) Subject to such conditions as the Yang di-Pertua 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 Yang di-Pertua 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 Yang di-Pertua Negeri may require that, before the issue of any licence, such security as he 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 Yang di-Pertua Negeri on breach of any of its conditions, or for failure to comply with an order issued under section 9, or in default of payment of any moneys accrued due under them, or if the licensee ceases to work or operate the installation in respect of which the licence has been granted.

#### **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(10).

*[Add. Cap. A109.]*

**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 Yang di-Pertua 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 Yang di-Pertua Negeri may, whether he has caused an inquiry to be held or not, revoke the licence.

*[Am. Cap. A109.]*

(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 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 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 except upon production of that official identification card or badge.

### **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, 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 by the quickest means available, 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.]*

(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 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.

**Power to enter on land for purposes of construction**

16.—(1) Subject to this section, whenever it is necessary so to do for the purpose of installing any system of distribution of energy under this Ordinance, a licensee may lay, place or carry on, under or over any land, other than State land, such supply lines, and may erect in or upon any land, other than State land, such posts and other apparatus as may be necessary or proper for the purposes of the licensed installation, and may take such other action as may be necessary to render that installation safe and efficient, paying full compensation to all persons interested for any disturbance, damage or disability that may be caused by it; and such compensation may include an annual payment for land used for the purpose of the posts or other apparatus.

(2) Before entering on any land for the purpose specified in subsection (1), the licensee shall give notice to the owner or occupier of that land, stating as fully and accurately as possible the nature and extent of the acts intended to be done and informing the owner or occupier of this right, under subsection (4), to object to the proposed intended acts.

(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, either verbally or in writing, and the Director of Lands and Surveys shall give notice of that objection to the licensee.

(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 the conclusion of the inquiry or upon receipt of those recommendations, the Director of Lands and Surveys may, either unconditionally or subject to such terms, conditions and stipulations as he thinks fit, authorize or prohibit any of the acts mentioned in that notice.

**Maintenance and repair of installation**

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

(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,

causing as little damage as possible and paying full compensation to all persons interested for any damage that may be caused by it for which compensation has not already been paid or agreed to be paid under section 16.

**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.

#### **Appeal to Yang di-Pertua Negeri**

19. Any person aggrieved by a decision of the Director of Lands and Surveys under section 16 or 18 may appeal to the Yang di-Pertua Negeri whose decision shall be final.

#### **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. The amount of compensation payable under this Ordinance may, in default of agreement, be claimed and determined by civil action in a court of appropriate jurisdiction.

**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, subject to conditions which, failing agreement between the parties, may be determined by the Yang di-Pertua Negeri.

*[Am. Cap. A109.]*

**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 Yang di-Pertua 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 fifty ringgit for every default; and he shall forfeit an additional penalty of fifty ringgit for each day during which any such delay shall continue after he shall have received notice of it.

**In case of delay other parties may reinstate and recover the expense**

(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.

**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.

**Supply for private purposes and to public lamps**

27.—(1) This section shall only apply to such licensees and in such areas of supply, or to such parts of them and to such extent, as the Majlis Mesyuarat Kerajaan Negeri may by order direct.

(2) A licensee shall, upon being required to do so by the owner or occupier of any premises situated within fifty yards from any supply line of the licensee in which the licensee is required to maintain or is maintaining, a supply of energy for the purposes of general supply to private consumers, give and continue to give a supply of energy for those premises, and the licensee shall furnish and lay any supply lines that may be necessary for the purpose of supplying the maximum power with which any such owner or occupier is entitled to be supplied:

Provided that the cost of so much of the construction of any supply lines as exceeds a length of sixty feet for the supply of energy from any supply of the licensee to the premises of any owner or occupier shall, if the licensee so requires, be defrayed by that owner or occupier.

(3) Every owner or occupier of premises requiring a supply of energy shall—

(a) serve a notice upon the licensee specifying the premises in respect of which the supply is required, the maximum power required to be supplied and the day, not being an earlier day than a reasonable time after the date of the service of the notice, upon which the supply is required to commence; and

(b) if required by the licensee, enter into a written contract with the licensee to continue to receive and pay for a supply of energy, for a period of at least two years, of such an amount that the payment to be made for the supply, at the rate of charge charged by the licensee for the supply of energy to ordinary consumers within the area of supply, shall not be less than twenty per cent per year on the outlay incurred by the licensee in providing any supply lines required under this section to be provided by the licensee for the purpose of the supply, and, if required by the licensee, give security for the payment to the

licensee of all moneys which may become due by the owner or occupier in respect of any supply lines to be furnished by the licensee, and in respect of energy to be supplied by the licensee.

(4) The licensee shall, upon receiving reasonable notice from a local authority requiring the licensee to supply energy to any electric lamps used for the lighting of any street or public place in the local authority area, and maintained by such authority within the distance of fifty yards from any supply line of the licensee in which the licensee is required to maintain or is maintaining a supply of energy for the purposes of general supply to private consumers, give and continue to give a supply of energy to those lamps in such quantities as that local authority may require to be supplied.

(5) (a) The licensee shall not be compelled to give a supply of energy to any premises unless the licensee is reasonably satisfied that the system, electric lines, fittings and apparatus in it are in good order and condition, and not calculated to endanger public safety or private safety or to affect injuriously the use of energy by the licensee or by other persons.

(b) The licensee may, after the licensee has given a supply of energy in respect of any premises, by notice in writing, require the owner or occupier of those premises, within seven days after the date of the service of the notice, to give the licensee security for the payment of all moneys which may become due to him in respect of the supply, if the owner or occupier has not already given that security, or if any security given has become invalid or is insufficient; and, in the event of any such owner or occupier failing to comply with the terms of the notice, the licensee may, if he thinks fit, discontinue to supply energy for the premises so long as the failure continues.

(6) If any difference arises under this section as to the state of, or as to any alleged defect in, any system, electric lines, fittings or apparatus, that difference shall be determined by the Director.

*[Am. Cap. A109.]*

(7) If a licensee shall make default in supplying energy to any consumer or to any electric lamps used for the lighting of any street or public place, when legally bound so to do under this Ordinance, he shall forfeit to the Government for every such default such penalties as may be prescribed:

Provided that any penalty prescribed shall not exceed the sum of fifty ringgit, and the penalties to be forfeited shall, unless the licensee has been guilty of wilful default, in no case exceed in the aggregate the sum of one hundred ringgit for any one day.

### **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; or



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

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 Yang di-Pertua Negeri may 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 he may see fit to impose, and may revoke that delegation.

(2) The Director may, with the approval of the Yang di-Pertua 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 Yang di-Pertua 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 Yang di-Pertua 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.** An Inspector or a police officer or any person authorized in writing by the Director (in this Ordinance referred to as an “authorized person”) shall have the power to investigate the commission of any offence under this Ordinance or its rules.

*[Ins. Cap. A36; Am. Cap. A81; Am. Cap. A109.]*

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

**32B.—(1)** An Inspector 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.

(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 and if that article, thing, book, document, installation or part of it is seized, he shall produce it before a Magistrate, and upon the production the Magistrate shall direct it to be kept in the custody of the Inspector or the police or the authorized officer for the purpose of any investigation or prosecution under this Ordinance.

(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.]*

**Obstruction, etc., and offence**

**32C.** Any person who—

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

(b) assaults, obstructs, hinders or delays any Inspector or a police officer or any authorized person 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 five thousand ringgit or imprisonment for two years or both.

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

**Admissibility of statement**

34 **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, imprisonment for five years with or without a fine.

(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 one hundred thousand ringgit or imprisonment for five years or both.

(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 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.

(11) 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.]*

**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.** The Director or any person authorized by him may, subject to any rules made under section 36, compound any offence which may be stipulated under the rules to be a compoundable offence, by collecting from the person reasonably suspected of having committed that offence, a sum of money not exceeding two thousand ringgit.

*[Ins. Cap. A56; Am. Cap. A109.]*

### **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.

### **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, chargemen, 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; and

(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.]*

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

Sarawak Law

**[List of Amendments]**

ELECTRICITY

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**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

## 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



DICETAK OLEH PERCETAKAN NASIONAL MALAYSIA BERHAD, KUCHING, SARAWAK  
 BAGI PIHAK DAN DENGAN KUASA PERINTAH KERAJAAN SARAWAK