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The following Act was passed by Parliament on 18th August 1999 and assented to by the President on 24th August 1999:—

REPUBLIC OF SINGAPORE

No. 35 of 1999.

I assent.



ONG TENG CHEONG,
President.
24th August 1999.

An Act to amend the Public Utilities Act (Chapter 261 of the 1996 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Public Utilities (Amendment) Act 1999 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2 (1) of the Public Utilities Act (referred to in this Act as the principal Act) is amended —

(a) by deleting the definition of “earth works” and substituting the following definitions:

“ “Earth” means the conductive mass of the Earth whose electric potential at any point is conventionally taken as zero;

“earthworks” includes —

(a) any act of excavating earth, rock or other material (by whatever means) in connection with —

(i) any works for or relating to the construction, reconstruction, extension, renovation, alteration, demolition or repair of any building, road,

- railway, bridge, viaduct, flyover, sewer or sewage works;
- (ii) any works for or relating to the laying, inspecting, repairing or renewing of any mains, pipes, cables, fittings or other apparatuses;
- (iii) any soil investigation works; or
- (iv) such other works as are usually undertaken by a person carrying on business as a contractor in the construction industry or as a professional civil or structural engineer;
- (b) any act of boring, dredging, jacking, levelling, piling or tunnelling on or under any premises or street by any mechanical means; and
- (c) the driving or sinking of any earth rod, casing or tube into the ground;”;
- (b) by inserting, immediately after the definitions of “ “grievous hurt” and “hurt” ”, the following definition:
 - “ “high voltage” means a voltage exceeding 1000V a.c. or 1500V d.c. between conductors, or 600V a.c. or 900V d.c. between each conductor and Earth;”;
- (c) by inserting, immediately after the definition of “licensed”, the following definition:
 - “ “low voltage” means a voltage not exceeding 1000V a.c. or 1500V d.c. between conductors, or 600V a.c. or 900V d.c. between each conductor and Earth;”;
- (d) by deleting paragraph (a) in the definition of “supply” and substituting the following paragraph:
 - “(a) in relation to electricity, means the supply of electricity through electric lines, and includes —
 - (i) the supply to any person or premises in Singapore of electricity which is generated outside Singapore; and
 - (ii) the supply to any person or premises outside Singapore of electricity which is generated in Singapore;”.

Amendment of section 6

3. Section 6 of the principal Act is amended by deleting subsection (3) and substituting the following subsection:

“(3) In addition to the functions and duties imposed by this section, the Board may —

- (a) whether by itself or in association with any other person or organisation, provide to any person in Singapore or elsewhere consultancy, advisory, technical, managerial and other specialist services relating to the generation, production, transmission and supply of water, electricity and gas; and
- (b) undertake such other functions as the Minister may assign to the Board and, in so doing —
 - (i) the Board shall be deemed to be fulfilling the purposes of this Act; and
 - (ii) the provisions of this Act shall apply to the Board in respect of such functions.”.

New section 32A

4. The principal Act is amended by inserting, immediately after section 32, the following section:

“Removal of obstruction over existing water main, etc.

32A.—(1) Where the Board is of the opinion that any structure, object or any accumulation of any substance that exists above or in the vicinity of any water main or connecting pipe belonging to the Board hinders or obstructs or is likely to hinder or obstruct access to such water main or connecting pipe, the Board may, by notice in writing direct —

- (a) the person to whom the structure, object or accumulation of substance belongs;
- (b) the person who caused the structure, object or accumulation of substance to be where it exists; or
- (c) the owner or occupier of the premises on which the structure, object or accumulation of substance exists,

to remove the structure, object or accumulation of substance within such time as may be specified in the notice.

(2) Where the person on whom a notice under subsection (1) has been served fails to comply with it —

(a) he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) the Board may —

(i) take all steps as it thinks necessary to secure the removal of the structure, object or accumulation of substance; or

(ii) relocate or divert the water main or connecting pipe,

and recover any costs reasonably incurred by it from such person.”.

Amendment of section 47

5. Section 47 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(3A) It shall be the duty of a public electricity licensee authorised to generate, transmit or supply electricity to ensure that it will not do or omit to do any act which will adversely affect, directly or indirectly, the security and stability of the electricity supplied by it or by any other person to consumers.”.

Amendment of section 50

6. Section 50 of the principal Act is amended by inserting, immediately after subsection (4), the following subsection:

“(4A) Where a public electricity licensee is subject to price regulation under the conditions of its licence, it shall be the duty of the licensee to comply with any direction which the Board may give to it from time to time for the purpose of regulating the prices to be charged by the licensee to any person to whom it supplies or transmits electricity.”.

Amendment of section 69

7. Section 69 of the principal Act is amended —

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

“(2) All such works, including the upper surface or covering thereof, shall be constructed of such materials and shall be maintained by the public electricity licensee in such manner as not to be a source of danger, whether by reason of inequality of surface or otherwise.

(2A) Where a public electricity licensee lays any electric line which is likely to touch any main, pipe, line or other service, the conducting portion of the electric line shall be effectively insulated.

(2B) Where a public electricity licensee lays any high voltage electricity cable on any private land or premises, it shall be the duty of the licensee to —

- (a) insulate and encase the electricity cable in such a manner as to effectively protect it and prevent it from constituting a source of danger;
- (b) mark the location of the electricity cable in the prescribed manner; and
- (c) notify the owner or occupier of such private land or premises of the location of the electricity cable and the precautions to be taken if any earthworks are to be carried out on such land or premises.

(2C) Any person who wilfully and without reasonable excuse obliterates, removes, damages, alters or tampers with any mark placed by a public electricity licensee under subsection (2B) (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000, and may further be required by a Magistrate's Court to pay the cost of and incidental to the repair or replacement of the mark.”; and

- (b) by inserting, immediately after subsection (7), the following subsections:

“(8) A public electricity licensee shall not, without the prior consent in writing of the Board, enter or use any land or premises belonging to the Board for the purpose of exercising the powers conferred by subsection (1).

(9) In this section, “private land or premises” means any land or premises not owned by the Government or any statutory board or authority.”.

Amendment of section 95

8. Section 95 of the principal Act is amended —

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

“(1) Subject to subsection (2), no person other than an employee of the Board or a public electricity licensee shall commence or carry out, or cause or permit the commencement or carrying out of, any earthworks within the vicinity of any low voltage electricity cable which belongs to or which is under the management or control of a public electricity licensee unless he has caused cable detection work to be performed or carried out by a licensed cable detection worker.”;

- (b) by deleting the words “the Board or” in the 6th line of subsection (2);
- (c) by deleting the words “earth works” wherever they appear in subsections (2) and (3) and in the marginal note and substituting in each case the word “earthworks”;
- (d) by inserting, immediately after the word “any” in the 4th line of subsection (3), the words “low voltage”; and
- (e) by deleting the words “3 years” in the last line of subsection (4) and substituting the words “12 months”.

New section 95A

9. The principal Act is amended by inserting, immediately after section 95, the following section:

“Carrying out of earthworks within vicinity of high voltage electricity cable

95A.—(1) Subject to this section, no person other than an employee of the Board or a public electricity licensee shall commence or carry out, or cause or permit the commencement or carrying out of, any earthworks within the vicinity of any high voltage electricity cable which belongs to or which is under the management or control of a public electricity licensee unless —

- (a) he has given to the public electricity licensee not less than 7 days’ notice in writing of the date on which it is proposed to commence the earthworks;

- (b) he has obtained from the public electricity licensee the necessary information on the location of such high voltage electricity cable and has consulted the public electricity licensee on the steps to be taken to prevent the high voltage electricity cable from damage while the earthworks are being carried out; and
- (c) he has caused cable detection work to be performed or carried out by a licensed cable detection worker in order to confirm the location of the high voltage electricity cable.

(2) No person other than a licensed cable detection worker shall commence or carry out any cable detection work within the vicinity of any high voltage electricity cable which belongs to or which is under the management or control of a public electricity licensee.

(3) The Board may, if it thinks fit, vary the period for which a notice under subsection (1) (a) is to be given to a public electricity licensee.

(4) It shall be the duty of the person who carries out any earthworks referred to in subsection (1) —

- (a) to comply with all reasonable requirements of the public electricity licensee for the prevention of damage to the high voltage electricity cable;
- (b) to ensure that reasonable precautions are taken when carrying out such earthworks to prevent any damage to the high voltage electricity cable; and
- (c) to allow the public electricity licensee reasonable access to the work site for the purpose of inspecting or taking any necessary measures to protect the high voltage electricity cable.

(5) It shall be the duty of the public electricity licensee to whom a notice under subsection (1) (a) has been given —

- (a) to promptly inform the person who has given him the notice of the location of the high voltage electricity cable and to provide such person with any other information as may be necessary to enable him to ascertain the exact location of the high voltage electricity cable;

- (b) to advise the person who has given him the notice on the precautions to be taken to prevent damage to the high voltage electricity cable; and
- (c) to take all such measures at the work site as may be reasonable and necessary for the protection of the high voltage electricity cable from damage and, in so doing, the public electricity licensee shall have regard to the potential risks and dangers that can arise from any damage to the high voltage electricity cable.

(6) Nothing in subsection (1) shall prohibit a person from commencing or carrying out any earthworks where he has reasonable cause to believe that it is necessary to do so in the interest of public or private safety except that such person shall, not more than 7 days after the earthworks have been commenced or carried out, give to the public electricity licensee notice in writing stating the nature and extent of those earthworks.

(7) Any person who contravenes or fails to comply with subsection (1) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both.

(8) Any person who contravenes or fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(9) Subject to subsection (10), in any proceedings for an offence under subsection (7), it shall be a defence for the person charged to prove —

- (a) that he took all reasonable steps to discharge his duty under subsection (1) or (4), as the case may be; or
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(10) If in any proceedings for an offence under subsection (7) the defence involves acting on information supplied by a public electricity licensee or a licensed cable detection worker, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period of 14 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of the person who supplied him with the information.”.

Amendment of section 107

10. Section 107 of the principal Act is amended by deleting subsection (3) and substituting the following subsection:

“(3) Notwithstanding subsection (2), any person who, in the course of carrying out any earthworks, damages or suffers to be damaged any high voltage electricity cable in the transmission network belonging to or under the management or control of a public electricity licensee shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million or to imprisonment for a term not exceeding 5 years or to both.”.
