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Act 279

PERBADANAN PEMBEKALAN LETRIK SARAWAK ACT 1983

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**PERBADANAN PEMBEKALAN LETRIK
SARAWAK ACT 1983**

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LAWS OF MALAYSIA**Act 279****PERBADANAN PEMBEKALAN LETRIK
SARAWAK ACT 1983**

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LAWS OF MALAYSIA**Act 279****PERBADANAN PEMBEKALAN LETRIK
SARAWAK ACT 1983**

An Act to provide for the establishment of the Perbadanan Pembekalan Letrik Sarawak, for the functions of the corporation and for matters connected therewith and incidental thereto.

[]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same as follows:

PART I**PRELIMINARY****Short title and commencement**

1. This Act may be cited as the Perbadanan Pembekalan Letrik Sarawak Act 1983, and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

“area of supply” means that area within which the Corporation is, or a licensee is authorized, to generate and/or to supply energy;

“Chairman” means the Chairman of the Corporation appointed under section 5;

“consumer” means a person who is supplied with energy or whose premises are for the time being connected for the purpose of a supply of energy with any system of supply;

“Corporation” means the Corporation established by section 3;

“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 from fire resulting as aforesaid;

“energy” means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of any communication or signal; electricity unless otherwise defined is an article as provided for under section 3 of the Factories and Machinery Act 1967 [*Act 139*];

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

“General Manager” means the General Manager appointed under section 12 and includes any person for the time being so appointed to perform the duties of the General Manager;

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

“installation” means the whole of any plant or equipment designed for the supply or use, or both, as the case may be, of energy, including prime movers, if any, with all supply lines and consuming equipment, if any;

“licence” means a licence to operate or work an installation issued under any written law relating to electricity and includes any licence issued under any other law enforced before the promulgation of this Act;

“licensee” means the holder of a licence;

“Minister” means the Minister for the time being charged with responsibility for matters relating to energy;

“premises” includes any building or other erection and the land occupied or used in connection therewith, 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 safety” means the obviation of danger to the general public, to public property and to roads, streets, railways, airports, ports, canals, docks, wharves, piers, bridges, gas-works, water-works and their appurtenances and telegraphic, telephonic and other electrical signalling lines owned or operated by the Government of Malaysia or any State Government;

“State” means the State of Sarawak;

“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 line” means a conductor 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 thereof, or any building or equipment connecting therewith for the purpose of transforming, conveying, transmitting or distributing energy;

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

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

“voltage” means extra high voltage, high voltage, low voltage and extra low voltage as prescribed.

PART II

ESTABLISHMENT, INCORPORATION AND
CONSTITUTION OF THE CORPORATION, *ETC.**Establishment and Incorporation***Establishment and incorporation of Sarawak Electricity Supply Corporation**

3. There is hereby established a body, to be known as “Perbadanan Pembekalan Letrik Sarawak” or in English “Sarawak Electricity Supply Corporation”, which shall be a body corporate and may sue and be sued in its said name, and shall have perpetual succession, and may enter into contracts, and may acquire, purchase, take, hold and enjoy movable and immovable property of every description, and may convey, assign, surrender and yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property vested in the Corporation upon such terms as to the Corporation seems fit.

Common seal

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

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

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

Constitution of Corporation

Constitution of the Corporation

5. (1) The Corporation shall consist of—

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) a General Manager, who shall not be entitled to vote at the meeting of the Corporation; and
- (d) not more than seven other members,

who shall be appointed by the Minister:

Provided that the number of officials shall not exceed the number of non-officials.

(2) Subject to the provisions of this Act, the members of the Corporation shall hold office for such term and subject to such conditions as the Minister may determine.

(3) If any member of the Corporation is, temporarily absent from Sarawak or for any other cause, temporarily unable to act, the Minister may appoint any person to act temporarily in the place of such member:

Provided that no person shall be appointed to act temporarily in the place of the Chairman or Deputy Chairman unless he is a member of the Corporation.

(4) If at any time it appears to the Minister that removal from office of all or any of the members of the Corporation is necessary in the interests of the effective and economical performance of the functions of the Corporation under this Act, the Minister may remove from office, without assigning any reason therefor, all or any of the members of the Corporation.

(5) The Minister may, at any time, accept the resignation of any member of the Corporation.

(6) The Chairman may, by instrument in writing, authorize any person to exercise any power or perform any function, other than the functions referred to in subsection 4(2), conferred on the Chairman by or under this Act.

Members of Corporation to dispose of interest in any electricity undertaking in Sarawak

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

Provided that the Minister may waive the requirements of this subsection in any specific case.

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

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

(4) In this section—

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

Disclosure of interest in contract by member of the Corporation

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

Remuneration and allowances payable to members of the Corporation

8. Members of the Corporation shall receive such remuneration and allowances out of the funds of the Corporation as may be prescribed by regulations made under section 52.

Procedure

Quorum and procedure

9. (1) The quorum at all meetings of the Corporation shall be three members present in addition to the Chairman or the Deputy Chairman.

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

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

Vacancies

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

Procedure of the Corporation

11. Subject to the provisions of this Act, the Corporation may make standing orders regulating its own procedure generally, and, in particular, regarding the holding of meetings, the notice to be

given of such meetings, the proceedings thereat, the keeping of minutes, the custody, production and inspection of such minutes, and the opening, keeping, closing and audit of accounts.

Officers and Servants of the Corporation, etc.

Appointment of officers and servants

12. (1) The Corporation may—

- (a) with the concurrence of the Minister, from time to time, appoint and employ a General Manager and such number of Deputy General Managers; and
- (b) from time to time, appoint and employ, a Secretary and such other officers and servants as may be necessary,

for the purposes of this Act.

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

Public servants

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

Public Authorities Protection Act 1948 to apply

14. The Public Authorities Protection Act 1948 [*Act 198*], shall apply to any action, suit, prosecution or proceeding instituted against the Corporation or against any member, officer, servant or agent of the Corporation in respect of any act, neglect or default done or committed by any member, officer, servant or agent of the Corporation.

Power to enter premises, etc.

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

hours for the purposes of ascertaining whether there is or has been any contravention of the terms and conditions of the contract entered between the consumer and the Corporation pursuant to subsection 17(1).

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

PART III

FUNCTIONS AND DUTIES OF THE CORPORATION, *ETC.*

Functions and Duties

General functions of the Corporation

16. (1) Subject as hereinafter provided, it shall be the duty of the Corporation—

- (a) to manage and work the electrical installations belonging to the Corporation, and such other installations and equipment as may be acquired by the Corporation under the provisions of this Act;
- (b) to establish, manage and work such electrical installations as the Corporation may deem it expedient to establish;
- (c) to promote and encourage the generation of energy with a view to the economic development of Sarawak in particular and Malaysia in general;
- (d) to secure the supply of energy at reasonable prices; and
- (e) to advise on all matters relating to the generation, transmission, distribution and use of energy.

(2) For the purposes of subsection (1) the Corporation may—

- (a) subject to the provisions of this Act generate, transmit, transform, distribute and sell energy either in bulk or to individual consumers in any part of Sarawak or Malaysia;

- (b) purchase, construct, reconstruct, maintain and operate supply lines, generating stations, transformer stations, and all other appropriate stations, buildings and works, including, subject to compliance with the provisions of any written law relating to the issue of water licences for the time being in force, the abstraction of water from any lake, river, stream or other natural source, and the doing of all such acts as may be necessary for the purpose of utilizing and returning or otherwise disposing of the water so abstracted;
- (c) sell, hire or otherwise supply electrical plant and electrical fittings, and install, repair, maintain or remove any electrical plant and electrical fittings;
- (d) acquire, in accordance with the provisions of this Act, any property, movable or immovable, which the Corporation deems necessary or expedient for the purpose of constructing, extending or maintaining any installation or otherwise carrying out its duties and functions under this Act; and
- (e) carry on all such other activities as may appear to the Corporation requisite, advantageous or convenient for it to carry on for or in connection with the performance of its duties under this Act or with a view to making the best use of any of its assets.

Supply

Duty of the Corporation to supply energy

17. (1) Subject to subsection (2), insofar as it is able to do so in the area of supply of the Corporation as may be determined from time to time by the Minister, the Corporation shall supply energy to any person, other than a licensee, requiring a supply of energy (in this section referred to as a consumer), if such consumer undertakes to enter into a contract with the Corporation, giving such security as the Corporation may require, to take, or continue to receive, and to pay for a supply of energy upon such terms and conditions as the Corporation may determine.

(2) The Corporation shall not supply energy to a consumer, other than the licensee, in any area which for the time being forms

part of the area of supply of a licensee, except with the consent of such licensee:

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

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

Power of Corporation to supply gas and hydroelectricity

18. (1) Notwithstanding the provisions of sections 16 and 17, the functions of the Corporation shall include the duty—

- (a) to get or acquire, supply and sell gas for public and private purposes in accordance with the provisions of any written law for the time being in force relating to gas;
- (b) to undertake the development of water power resources in the State, and to establish generating stations operated by hydro power for the generation or transmission of electricity in accordance with the provisions of any written law for the time being in force relating to hydro power;
- (c) to carry on all such activities as it may appear to the Corporation to be requisite, advantageous or convenient for it to carry on for or in connection with the exercise of its powers under either of the foregoing paragraphs.

(2) For the purposes of subsection (1), the Corporation may, with the approval of the Minister, make regulations under section 52 to regulate the supply of gas and hydroelectricity provided by the Corporation in accordance with such terms and conditions as may be prescribed.

Equality of treatment

19. The Corporation 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, save as aforesaid, the Corporation may make such charges for the supply of energy as may be agreed upon not exceeding the limits of price prescribed by the Corporation, with the approval of the Minister.

Supply for private purposes and to public lamps

20. (1) The Corporation shall, upon being required to do so by the owner or occupier of any premises situated within 100 metres from any supply line of the Corporation in which the Corporation is, for the time being, 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 Corporation shall furnish and lay any supply lines that may be necessary for the purposes 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 15 metres for the supply of energy from any supply of the Corporation to the premises of any owner or occupier shall, if the Corporation so requires, be defrayed by that owner or occupier.

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

- (a) serve a notice upon the Corporation 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 Corporation, enter into a written contract with the Corporation 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 for the time being charged

by the Corporation 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 Corporation in providing any supply lines required under this section to be provided by the Corporation for the purpose of the supply, and, if required by the Corporation, give security for the payment to the Corporation of all moneys which may become due by the owner or occupier in respect of any supply lines to be furnished by the Corporation, and in respect of energy to be supplied by the Corporation.

(3) The Corporation shall, upon receiving reasonable notice from a municipal or local authority requiring the Corporation to supply energy to any electric lamps used for the lighting of any street or public place in the municipal or local authority area, as the case may be, and maintained by such authority within the distance of 100 metres from any supply line of the Corporation in which the Corporation is, for the time being, 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 such authority may require to be supplied.

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

(b) The Corporation may, after the Corporation 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 Corporation 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 Corporation may, if he thinks fit, discontinue to supply energy for the premises so long as the failure continues.

Conditions under which supply may be discontinued

- 21.** (1) If a consumer or the occupier of his premises —
- (a) uses any form of lamp or other energy consuming equipment, or uses the energy supplied to him by the Corporation, 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 installations without the previous approval of the Corporation, which interferes unduly or improperly with the efficient supply of energy to any other person;
 - (d) fails to give reasonable facilities for testing or meter reading; or
 - (e) interferes with the Corporation's supply line, meters or seals,

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

(2) The Corporation may discontinue to supply electrical energy to any person whose payments for the supply of electrical energy are for the time being in arrears (not being the subject of a *bona fide* dispute), whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

(3) If any difference arises as to whether the Corporation is entitled under subsection (1) to discontinue to supply energy, that difference shall be determined by the Director General of Electrical Inspectorate.

Temporary discontinuance of supply of energy

22. Notwithstanding anything contained in this Act, the Corporation, 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 consumers, so far as the public interest demands and without undue preference as between consumers, discontinue to supply to some or all consumers for such period as will enable the best use, in the public interest and in the interest of 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 repairs or of making new connections.

PART IV

FINANCIAL PROVISIONS

Power to Borrow and Raise Capital

Power to issue stock, etc.

23. The Corporation may, from time to time, with the approval of the Minister, borrow money by the issue of debentures or debenture stock, or raise capital by the issue of shares or stock of such class and value and upon such terms as it may deem expedient, for all or any of the following purposes—

- (a) the provision of working capital;
- (b) the fulfilling of the functions of the Corporation under this Act;
- (c) the acquisition of other electricity undertakings;
- (d) the redemption of any shares or stock which it is required or entitled to redeem; and
- (e) any other expenditure properly chargeable to capital account.

Power to borrow money

24. The Corporation may, with the approval of the Minister, from time to time, borrow, by way of loan, overdraft or otherwise, such sums as it may require for meeting its obligations and discharging its functions under this Act.

*General Financial Provisions***General duties and powers of the Corporation in financial matters**

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

Rates and scales of charges for energy

26. (1) The prices to be charged by the Corporation for the supply of energy and the hire of equipment shall be in accordance with such tariffs as may, from time to time, be fixed by regulations made under section 52:

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

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

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

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

Power to make standing orders relating to staff

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

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

- (a) the appointment, dismissal, discipline, leave of, and the security to be given by, any such officer or servant;
- (b) the salaries, fees, remuneration, allowances, pensions, superannuation allowances and any gratuities due under any contract, of any such officer or servant; and
- (c) any appeals by any such officer or servant against his dismissal or against any other disciplinary measure taken against him.

Application of revenue

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

- (a) the salaries, fees, remuneration, allowances, pensions, superannuation allowances and any gratuities due under any contract, of the officers, agents and servants, and technical or other advisers, of the Corporation;
- (b) interest on any debentures and debenture stock issued, and on any loan raised, by the Corporation;
- (c) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or the repayment of other borrowed moneys;
- (d) working and establishment expenses and expenditure on, or provision for, the maintenance of any of the installations of the Corporation, and the discharge of the functions of the Corporation properly chargeable to revenue account;
- (e) such sums as the Corporation may deem appropriate to set aside in respect of depreciation on the property of the Corporation having regard to the amount set aside out of revenue under paragraph (c);

- (f) the remuneration, fees and allowances of the members of the Corporation; and
- (g) any other expenditure authorized by the Corporation and properly chargeable to revenue account.

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

- (a) to the creation of reserves; and
- (b) to the payment of such interest on shares and stock issued by the Corporation as the state of the undertakings and the financial position of the Corporation appear, in the opinion of the Corporation, to warrant, but so that, in the case of ordinary shares or stock, the rate of interest shall not exceed an average rate taking one year with another, of six per centum per annum of the nominal value thereof.

Investment of funds

29. Any funds of the Corporation not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Corporation, may be invested from time to time in securities authorized for the investment of trust funds by any written law for the time being in force.

Statutory Bodies (Accounts and Annual Reports) Act 1980 to apply

30. For the avoidance of doubt, it is declared that the provisions of the Statutory Bodies (Accounts and Annual Reports) Act 1980 [Act 240] shall apply in respect of the Corporation.

31. (*Deleted by Act 478*).

PART V

POWER OF ENTRY ON LAND, ETC.

Power of Entry on Land

Power to enter on land for purposes of construction

32. (1) Subject as hereinafter provided, whenever it is necessary so to do for the purpose of installing any system of distribution

of energy under this Act, the Corporation 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 equipment as may be necessary or proper for the purposes of the installation belonging to the Corporation, and may take such other action as may be necessary to render such installation safe and efficient, paying full compensation to all persons interested for any disturbance, damage or disability that may be caused thereby and such compensation may include an annual payment for land used for the purpose of the posts or other equipment.

(2) Before entering any land for the purpose specified in subsection (1), the Corporation shall give notice to the owner or occupier of such 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 his right, under subsection (4), to object to the proposed intended acts.

(3) Such 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 such 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 such notice, lodge an objection to the intended acts of the Corporation. Such 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 such objection to the Corporation.

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

(6) If an objection is lodged and is not withdrawn before the date fixed for the hearing thereof, 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 the said 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 such notice.

Maintenance and repair of installation

33. Whenever it is necessary so to do for the purpose of maintaining or repairing installations belonging to the Corporation or any part thereof, the Corporation or any person authorized by the Corporation in that behalf may, at all reasonable times, enter upon any lands on, under or over which supply lines have been laid, placed or carried, or upon which posts or other equipment have been erected, and may carry out all necessary repairs, and may, in the course thereof, fell or lop trees, remove vegetation and do all other things necessary to the said purpose, causing as little damage as possible and paying full compensation to all persons interested for any damage that may be caused thereby for which compensation has not already been paid or agreed to be paid under section 32.

Removal or alteration of supply line, etc.

34. (1) Where a supply line has been laid, or posts or equipment erected, on any land under section 32 or 33 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 equipment should be removed to another part of the land, or to a higher or lower level, or altered in form, he may require the Corporation to remove or alter the line, posts or equipment accordingly.

(2) If the Corporation omits to comply with the requisition such person may apply in writing to the Director of Lands and Surveys who may, after inquiring into all the facts of the case, reject such application or make an order, either absolutely or subject to conditions, for the removal or alteration of the line, posts or equipment and such order shall provide for the payment of the cost of executing the removal or alteration by the Corporation 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 equipment erected, on State land, and such land is subsequently alienated to any person, the owner or occupier of such land may, unless the terms of alienation expressly provide otherwise, require the removal to another part of the land, or to a higher or lower level, or the alteration of such line, posts or equipment, and subsections (1) and (2) shall apply to any such requisition:

Provided that the cost of executing such removal or alteration shall be defrayed by the person making the requisition.

Appeal to Minister

35. Any person aggrieved by a decision of the Director of Lands and Surveys under section 32 or 34 may appeal to the Minister whose decision shall be final.

Power to fix lamp-posts, etc.

36. The Corporation or any person authorized by the Corporation in that behalf may, subject to the by-laws in force in any municipal or local authority area, cause such lamp-irons, lamp-posts, insulating material, brackets, stays, rosettes or other equipment 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 such damage as may be done, and may cause such number of lamps of such sizes and sorts to be put and affixed to any such lamp-irons, lamp-posts and brackets as may be deemed necessary, and may cause the same to be lighted during such hours as may be deemed necessary by the municipal or local authority.

Works

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

37. (1) The Corporation, under such superintendence as is hereafter specified, may—

- (a) open and break up the soil and pavement of the several streets and bridges within the area of supply of the Corporation;
- (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 the same;
- (c) for the purposes aforesaid, remove and use all earth and materials in and under such streets and bridges; and

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

doing as little damage as may be in the execution of the power hereby granted, 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 this Act.

(2) Where the Corporation 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 General of Electrical Inspectorate or, as regards any street within a municipal or local authority area, the municipal or local authority, as the case may be, may, notwithstanding any other provision in this Act, by notice in writing require the Corporation to alter the proposed position or the position of such poles, pillars, lamps, other works or supply line, subject to conditions which, failing agreement between the parties, may be determined by the Minister.

Conditions as to superintendence of breaking up of streets

38. 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 thereof 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 Minister who may, on the application of the persons having the control or management, or their officer, require the Corporation 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 Corporation's intention, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend

the operation, the Corporation may perform the work specified in such notice without the superintendence of such persons or their officer.

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

39. When the Corporation opens or breaks up the road or pavement of any street or bridge, or any sewer, drain or tunnel, the Corporation shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road, pavement, sewer, drain or tunnel so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light sufficient for warning the public to be set up and maintained against or near such road or pavement, where the same shall be opened or broken up, every night, before sunset and every night, before sunset and until sunrise, during which the same shall be continued open or broken up and shall 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, if any, not being more than six months in the whole, as the soil so broken up shall continue to subside.

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

40. Before the Corporation proceeds to open or break up any street, bridge, sewer, drain or tunnel, the Corporation shall give to the persons under whose control or management the same may be, or to their officer, notice in writing of its intention, not less than seven clear days before beginning such 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 the work, or after the necessity for the same shall have arisen.

Compensation

41. The amount of compensation payable under the provisions of this Act may, in default of agreement, be claimed and determined by civil action in a Court of appropriate jurisdiction.

PART VI

OFFENCES

Offences

42. (1) Any person who wilfully so tampers with or adjusts any installation belonging to the Corporation or part thereof as to cause or to be likely to cause danger to human life or limb or injury to any equipment or other property shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term of five years with or without a fine.

(2) Any person who, by any rash or negligent act or omission in respect of any installation belonging to the Corporation causes hurt to any person or injury to property shall be guilty of an offence and shall, on conviction be liable to imprisonment for a term of two years and a fine of five thousand ringgit.

(3) 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 installation belonging to the Corporation 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 and shall, on conviction be liable to imprisonment for a term of two years and a fine of five thousand ringgit.

Onus of proof

43. In any prosecution for an offence under subsection 42(3)—

- (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 equipment which would facilitate the dishonest abstraction, consumption or use of energy shall, as against the person fitting or removing the same, or causing the same to be fitted or removed, or having control of such equipment, be *prima facie* evidence of such 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 equipment 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 such alteration, prevention, abstraction, consumption or use, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer using such meter or instrument and the person having control of the installation where it is fixed, or that such consumer or person has abetted the offence of such alteration, prevention, abstraction, consumption or use, as the case may be.

Offences committed by corporate bodies

44. Where an offence under this Act has been committed by a corporate body is proved—

- (a) to have been committed in the manner provided in section 43; or
- (b) to have been committed with the consent or connivance of, or to have been attributable to any neglect,

by or on the part of any director, secretary or similar officer of the body corporate, or any person who was purporting to act in such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Recovery of penalties, etc.

45. Any penalties, fees, expenses or other moneys recoverable under this Act or contract, the recovery of which is not otherwise specially provided for, shall be a civil debt recoverable summarily.

PART VII

TRANSFER TO CORPORATION OF BODY CORPORATE UNDERTAKINGS, *ETC.*

Property, Contracts, Etc.

Compensation for transferred undertakings

46. (1) Where—

- (a) any undertakings, installations or other property, which were the undertakings, installations, or other property of

the body corporate constituted under the repealed Sarawak Electricity Supply Corporation Ordinance 1962 [*Ord. 25 of 1962*], (hereinafter referred to in this Part as “body corporate”), are transferred to the Corporation; and

- (b) any stock, which were issued to the State Financial Secretary, incorporated by the State Financial Secretary (Incorporation) Ordinance [*Sarawak Cap. 103*], to hold for the purposes of the Government of the State of Sarawak, are transferred to the Minister of Finance, incorporated by the Minister of Finance (Incorporation) Act 1957 [*Act 375*], to hold for the purposes of the Federal Government,

the Federal Government shall, as soon as practicable, pay, in respect thereof, such compensation to the Government of the State of Sarawak, as may be agreed upon, by and between the Federal Government and the Government of the State of Sarawak.

(2) For the purposes of subsection (1), any undertakings, installations or other property, shall mean to include all plants, lands, works and other property, movable or immovable, assets, powers, rights and privileges held or enjoyed in connection therewith or appertaining thereto.

Existing contracts, etc.

47. All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the commencement of this Act, affecting any of the transferred undertakings, installations or other property of the body corporate, shall be of as full force and effect against or in favour of the Corporation, and enforceable as fully and effectually as if, instead of the body corporate, the Corporation had been named therein or had been a party thereto.

Pending proceedings

48. Any proceedings or cause of action, pending or existing immediately before the commencement of this Act, by or against the body corporate, or any debt owing to or by the body corporate, may be continued or enforced, by or against the Corporation, as if the body corporate had not been constituted.

Officers or Servants

Transfer of officers or servants on establishment of body corporate

49. (1) Every officer or servant, who immediately before the commencement of this Act, was employed as an officer or servant of the body corporate, shall on the commencement of this Act, be deemed to be transferred from the service of the body corporate to the service of the Corporation, on terms and conditions of service, perquisites and emoluments no less favourable than those which he enjoyed immediately, prior to the commencement of this Act.

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

PART VIII

GENERAL

Power of Minister to delegate

50. The Minister may delegate all or any of the powers conferred on him by this Act or any regulations made hereunder to any person, subject to such conditions and limitations, if any, as he may see fit to impose, and may revoke such delegation.

Power of Minister to give directions

51. (1) The Minister may give to the Corporation directions of a general character, not inconsistent with the provisions of this Act, as to the exercise and performance by the Corporation of its functions, and the Corporation shall give effect to any direction so given.

(2) The Corporation shall furnish the Minister with such information with respect to its property and activities as he may from time to time require.

Regulations

52. (1) The Corporation may, with the approval of the Minister, make regulations generally for the better carrying out of the provisions of this Act.

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

- (a) for the rates and prices to be charged for the supply of energy to consumers;
- (b) for the charges to be made for the hire of equipment to consumers;
- (c) for such matters in connection with shares, stock, debentures or debenture stock issued under this Act, and, in particular, the method of issue, transfer, redemption, or other dealing with such shares, stock, debentures or debenture stock;
- (d) for the regulation of the supply of gas and hydroelectricity;
- (e) for prescribing the remuneration and allowances for members of the Corporation;
- (f) for matters relating to meters; and
- (g) for prescribing anything which is required to be, or may be, prescribed under this Act.

Power to enter into contracts of guarantee or indemnity

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

Saving rights of Government of State of Sarawak in the foreshore

54. Although any shore, bed of a lake, river, channel, creek, bay or estuary is included in the area of supply, nothing shall authorize the Corporation to take, use or in any manner interfere with any portion of that shore or bed of a lake, or of a river, channel, creek, bay or estuary, or any right in respect thereof, or of the water thereof, without the previous consent in writing of the State Authority,

and neither shall anything in this Act contained extend to take away, prejudice, diminish or alter any of the estates, rights, privileges, powers or authorities vested in or enjoyed or exercised by the Government of the State of Sarawak.

LAWS OF MALAYSIA**Act 279****PERBADANAN PEMBEKALAN LETRIK
SARAWAK ACT 1983**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act 478	Renovation of Exemption From Payment of Stamp Duties Act 1992	21-02-1992

LAWS OF MALAYSIA**Act 279****PERBADANAN PEMBEKALAN LETRIK
SARAWAK ACT 1983**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
31	Act 478	21-02-1992
