



THE STATUTES OF THE REPUBLIC OF SINGAPORE

ENERGY CONSERVATION ACT 2012

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Energy Conservation Act 2012

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An Act to mandate energy efficiency requirements and energy management practices to promote energy conservation, improve energy efficiency and reduce environmental impact.

[1 July 2012: Parts I and II, Divisions 1 and 3 of Part IV, sections 68 to 73, 75, 76, 80(2) and 82, the First Schedule and item 2(b) of the Second Schedule ;
22 April 2013: Divisions 2 and 3 of Part III and sections 64 to 67, 74, 77, 78 and 79 ;
1 September 2013: Division 1 of Part III and sections 80(1) and 81 ;
1 January 2014: Division 2 of Part IV]

PART 1**PRELIMINARY****Short title**

1. This Act is the Energy Conservation Act 2012.

Interpretation

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

“Agency” means the National Environment Agency established by the National Environment Agency Act 2002;

“airport service operator” means —

- (a) a person operating an airport under an airport licence or an exemption granted under the Civil Aviation Authority of Singapore Act 2009; or
- (b) a person providing any service or facility for an aircraft’s arrival at or departure from any airport referred to in paragraph (a), including any of the following:

- (i) the storing, processing and handling of cargo carried, or to be carried, by an aircraft;
- (ii) the provision of fuel for, and refuelling of, an aircraft;
- (iii) flight catering services and facilities;
- (iv) the check-in and screening of aircraft passengers, including services for baggage handling and screening;

“authorised officer” means an officer appointed by the Director-General under section 6(2) to be an authorised officer;

“Civil Aviation Authority” means the Civil Aviation Authority of Singapore reconstituted by the Civil Aviation Authority of Singapore Act 2009;

“corporation” and “related corporation” have the meanings given by the Companies Act 1967;

“Director-General” means the Director-General of Environmental Protection appointed under the Environmental Protection and Management Act 1999;

“energy use threshold” means the level of energy consumption specified in an order under section 22 or 45, expressed in terms of —

- (a) the total of all types of energy consumed;
- (b) a particular type of energy consumed; or
- (c) the aggregate of 2 or more different types of energy consumed;

“greenhouse gas” means any of the following:

- (a) carbon dioxide;
- (b) methane;
- (c) nitrous oxide;
- (d) sulphur hexafluoride;

- (e) nitrogen trifluoride;
- (f) a hydrofluorocarbon of a kind prescribed in regulations;
- (g) a perfluorocarbon of a kind prescribed in regulations;
- (h) any other substance prescribed as a greenhouse gas for the purposes of this Act;

“Land Transport Authority” means the Land Transport Authority of Singapore established by the Land Transport Authority of Singapore Act 1995;

“land transport operator” means a person operating —

- (a) a bus service under a Class 1 bus service licence granted under the Bus Services Industry Act 2015;
- (b) a rapid transit system within the meaning of the Rapid Transit Systems Act 1995;
- (c) a fleet of motor vehicles classified as taxis under the Second Schedule to the Road Traffic Act 1961; or
- (d) a fleet of motor vehicles as part of a business activity of passenger transport or freight transport;

“Maritime and Port Authority” means the Maritime and Port Authority of Singapore established by the Maritime and Port Authority of Singapore Act 1996;

“Minister”, except in Part 4, means the Minister charged with the responsibility for the environment and water resources;

“motor vehicle” means a vehicle that consumes electricity or fuel;

“port service operator” means a person providing any marine service or facility or port service or facility under a public licence or an exemption granted under the Maritime and Port Authority of Singapore Act 1996;

“premises” means any building, plant, workplace or other premises at which electricity, fuel or any other form of energy is consumed;

“Registrar” has the meaning given by the Road Traffic Act 1961;

“sector regulator” means the applicable regulator responsible for the administration of the provisions of this Act, determined in accordance with section 7;

“Transport Minister” means the Minister charged with the responsibility for transport;

“transport sector authorised officer” means an officer appointed under section 7(1)(a), (2)(a) or (3)(a) by a sector regulator to be a transport sector authorised officer;

“workplace” has the meaning given by section 5 of the Workplace Safety and Health Act 2006.

[30/2015]

Meaning of “business activity”

3.—(1) A business activity is an activity, or a series of activities (including ancillary activities) —

(a) that involves the emission of greenhouse gas, the production of energy or the consumption of energy; and

(b) that forms a single undertaking or enterprise.

(2) For the purposes of subsection (1)(b), the activity or activities constituting the undertaking or enterprise must not be attributable to more than one industry sector.

(3) The Minister may make regulations to prescribe —

(a) the circumstances in which an activity or activities (including ancillary activities) will form part of a single undertaking or enterprise; and

(b) activities which are attributable to particular industry sectors.

Meaning of “operational control”

4.—(1) A corporation has operational control over a business activity (including a business activity carried out wholly or partly by a related corporation of that corporation) if it has the authority to

introduce and implement all or any of the following for the business activity:

- (a) operating policies;
- (b) health and safety policies;
- (c) environmental policies.

(2) A corporation has operational control over premises (whether or not the premises are owned by the corporation) if it has the authority to do one or both of the following for the premises:

- (a) incur capital expenditure on the construction of any building or infrastructure on the premises;
- (b) carry out capacity expansion or other infrastructure enhancement of the premises.

(3) For the purposes of this Act, only one such corporation can have operational control over a business activity or premises at any one time.

(4) If more than one corporation satisfies subsection (1) at any one time, then the corporation that has the greatest authority to introduce and implement the policies mentioned in subsection (1)(a) and (c) is taken, for the purposes of this Act, to have operational control over the business activity.

(5) If more than one corporation satisfies subsection (2) at any one time, then the corporation that has the greatest authority to carry out subsection (2)(b) is taken, for the purposes of this Act, to have operational control over the premises.

Application of Act to Government

5.—(1) Except as provided in subsection (2), this Act binds the Government.

(2) Nothing in this Act renders the Government liable to prosecution for an offence.

(3) To avoid doubt, a person is not immune from prosecution for any offence under this Act by reason that the person is engaged to provide services to the Government.

PART 2**ADMINISTRATION****Director-General and appointment of authorised officers**

6.—(1) The Director-General is, subject to any general or special directions of the Minister, responsible for the administration of this Act (except Part 4), and may perform the duties that are imposed and exercise the powers that are conferred upon the Director-General by this Act.

(2) The Director-General may appoint, by name or office, any public officer, any officer or employee of the Agency or any auxiliary police officer appointed as such under the Police Force Act 2004 to be an authorised officer to assist the Director-General in the administration of this Act.

(3) The Director-General may, with the Minister's approval, delegate the exercise of all or any of the powers conferred or duties imposed on the Director-General by this Act (except the power of delegation conferred by this subsection) to any authorised officer, subject to any conditions or limitations that the Director-General may specify.

Sector regulators and appointment of transport sector authorised officers

7.—(1) The Land Transport Authority is, subject to any general or special directions of the Transport Minister, responsible for the administration of the provisions of this Act relating to fuel economy labelling of motor vehicles and the provisions of this Act as they apply to any land transport operator, and may —

- (a) appoint, by name or office, any officer or employee of the Land Transport Authority or any auxiliary police officer appointed as such under the Police Force Act 2004 to be a transport sector authorised officer for the purposes of this Act in relation to those matters;
- (b) perform the duties that are imposed and exercise the powers that are conferred upon the Land Transport Authority by this Act in relation to those matters; and

- (c) subject to any conditions or restrictions that the Land Transport Authority may specify, delegate the exercise of all or any of the powers conferred or duties imposed on the Land Transport Authority by or under this Act in relation to those matters (except the power of delegation conferred by this paragraph) to any transport sector authorised officer appointed by it under paragraph (a).

(2) The Maritime and Port Authority is, subject to any general or special directions of the Transport Minister, responsible for the administration of the provisions of this Act as they apply to any port service operator, and may —

- (a) appoint, by name or office, any officer or employee of the Maritime and Port Authority or any auxiliary police officer appointed as such under the Police Force Act 2004 to be a transport sector authorised officer for the purposes of this Act in relation to those matters;
- (b) perform the duties that are imposed and exercise the powers that are conferred upon the Maritime and Port Authority by this Act in relation to those matters; and
- (c) subject to any conditions or restrictions that the Maritime and Port Authority may specify, delegate the exercise of all or any of the powers conferred or duties imposed on the Maritime and Port Authority by or under this Act in relation to those matters (except the power of delegation conferred by this paragraph) to any transport sector authorised officer appointed by it under paragraph (a).

(3) The Civil Aviation Authority is, subject to any general or special directions of the Transport Minister, responsible for the administration of the provisions of this Act as they apply to any airport service operator, and may —

- (a) appoint, by name or office, any officer or employee of the Civil Aviation Authority or any auxiliary police officer appointed as such under the Police Force Act 2004 to be a transport sector authorised officer for the purposes of this Act in relation to those matters;

- (b) perform the duties that are imposed and exercise the powers that are conferred upon the Civil Aviation Authority by this Act in relation to those matters; and
- (c) subject to any conditions or restrictions that the Civil Aviation Authority may specify, delegate the exercise of all or any of the powers conferred or duties imposed on the Civil Aviation Authority by or under this Act in relation to those matters (except the power of delegation conferred by this paragraph) to any transport sector authorised officer appointed by it under paragraph (a).

Public servants

8. Each of the following persons is deemed to be a public servant for the purposes of the Penal Code 1871:

- (a) the Director-General and every authorised officer appointed under section 6(2);
- (b) every transport sector authorised officer appointed under section 7(1)(a), (2)(a) or (3)(a).

Protection from personal liability

9.—(1) No liability shall be incurred by —

- (a) the Director-General or any member, officer or employee of the Agency, or any other person acting under the direction of the Agency;
- (b) the Registrar or any member, officer or employee of the Land Transport Authority;
- (c) any authorised officer appointed under section 6(2); or
- (d) any transport sector authorised officer appointed under section 7(1)(a), (2)(a) or (3)(a),

for anything which is done or intended to be done in good faith and with reasonable care, in the exercise or purported exercise of any power, or the performance or purported performance of any function or duty, under this Act.

(2) Where the Agency or a sector regulator provides a service to the public whereby information is supplied to the public pursuant to any provision of this Act, none of the members, officers or employees of the Agency or the sector regulator (as the case may be) involved in the supply of the information shall be liable for any loss or damage suffered by any member of the public by reason of any error or omission of whatever nature appearing in the information or however caused if made in good faith and with reasonable care in the ordinary course of the discharge of the duties of the member, officer or employee.

PART 3

ENERGY CONSERVATION MEASURES FOR DOMESTIC AND INDUSTRY SECTORS (OTHER THAN TRANSPORT)

Division 1 — Measures for goods

Subdivision (1) — Interpretation

[24/2017]

Interpretation of this Division

10. In this Division, unless the context otherwise requires —

“effective date”, in relation to any goods, means the date on which the goods become regulated goods as specified in the order under section 11;

“goods” means any device, appliance, equipment, article or thing that requires electricity or fuel for its use or operation, and —

(a) includes 2 or more such devices, appliances, equipment, articles or things that are interconnected, and interdependent or interacting, so as to form a system carrying out one or more functions; but

(b) does not include any motor vehicle;

“label”, in relation to any regulated goods, includes marking or affixing a label to the regulated goods;

“manufacture” means to make, fabricate, produce or process any goods and includes —

- (a) the adapting for sale of any goods; and
- (b) the altering, ornamenting or finishing or the assembling or processing in any form of any goods;

“registered goods” means any regulated goods registered under section 13(2) as such;

“registered supplier” means any importer or manufacturer registered under section 13(2) as such;

“regulated goods” means any goods prescribed under section 11 to be such;

“sale” includes —

- (a) barter, exchange or import;
- (b) offering or attempting to sell, causing or allowing to be sold, or exposing for sale; and
- (c) receiving, sending or delivering for sale;

“supply”, in relation to any goods, includes —

- (a) the supply of the goods by way of sale, lease, loan, hire or hire-purchase;
- (b) the supply of the goods in connection with any agreement; and
- (c) the offer to supply the goods.

[24/2017]

Subdivision (2) — Restrictions on supplies of regulated goods through registration, energy labelling, minimum performance standards, etc.

[24/2017]

Regulated goods

11. The Minister may, after consulting the Agency, by order in the *Gazette*, prescribe any class, description or type of goods to be regulated goods for the purposes of this Part from the date specified in the order.

[24/2017]

Restriction on supply of regulated goods

12.—(1) Subject to this section, a person must not make a prohibited supply of regulated goods in Singapore.

[24/2017]

(2) Any person that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[24/2017]

(3) For the purposes of subsection (1), a prohibited supply of regulated goods is a supply of regulated goods where —

- (a) the goods do not comply, on or after the effective date for those goods, with any one or more of the requirements mentioned in subsection (4) which is prescribed as being applicable to those regulated goods and not waived under section 31B(1); and
- (b) the supply is made by the person to another person —
 - (i) in the course or furtherance of the firstmentioned person's trade or business; or
 - (ii) in furtherance of the second-mentioned person's trade or business.

[24/2017]

(4) The following are the requirements for the purpose of subsection (3):

- (a) the goods must be registered;
- (b) the goods must conform to either or both of the following:
 - (i) the minimum energy efficiency standard prescribed for the goods;

- (ii) any other requirement prescribed for the goods affecting or relating to the energy efficiency standard;
 - (c) the goods must be labelled with the information prescribed for the goods, in the manner prescribed or allowed by the Director-General in any particular case;
 - (d) the goods must be accompanied by the information prescribed for the goods relating to energy efficiency, in the manner prescribed or allowed by the Director-General in any particular case;
 - (e) information prescribed for the goods relating to energy efficiency must be disseminated in the manner prescribed or allowed by the Director-General in any particular case.
[24/2017]
- (5) Without affecting section 77, subsection (1) does not apply to a supply of regulated goods in any of the following circumstances:
- (a) the goods are supplied as part of any premises by the developer of the premises, if —
 - (i) the developer did not import or manufacture the goods; and
 - (ii) the goods comply with the requirements under subsection (4) applicable to the goods at the time the agreement for the supply of the goods to the developer was entered into;
 - (b) the goods are supplied by a participant in the supply chain for the supply of the goods by the developer mentioned in paragraph (a), if the goods comply with the requirements under subsection (4) applicable to the goods at the time the agreement for the supply of the goods was entered into.
[24/2017]
- (6) Without affecting subsection (5) or section 77, subsection (1) does not apply to a supply of regulated goods prescribed for the purposes of this subsection if —
- (a) the supply is by a participant in the supply chain for the supply of such regulated goods to a person (other than a

person acting in the capacity of a developer) who is intending to construct or is constructing, or is causing to be constructed, any premises;

- (b) the goods are to be used in the premises;
- (c) the premises are to be occupied by the person;
- (d) the person did not import or manufacture the goods; and
- (e) the goods comply with the requirements under subsection (4) applicable to the goods at the time the agreement for the supply of the goods was entered into.

[24/2017]

(7) In this section, “developer” means a person who carries on the business of constructing or causing to be constructed any premises for sale or lease.

[24/2017]

Restriction on supply by importers and manufacturers

12A.—(1) Without affecting section 12, an importer or a manufacturer must not, in the course of any trade or business, supply any regulated goods in Singapore on or after the effective date for those goods, unless the importer or manufacturer is a registered supplier of those goods.

[24/2017]

(2) Any importer or manufacturer that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[24/2017]

Subdivision (3) — Registration of suppliers and goods

Registration of suppliers and regulated goods

13.—(1) Any importer or manufacturer that intends to supply any regulated goods in Singapore may apply to the Director-General —

- (a) to be registered as a registered supplier; and

- (b) where the importer or manufacturer intends to supply any regulated goods that are required to be registered under section 12, to register those goods.

[24/2017]

(2) The Director-General may register, subject to any condition the Director-General thinks fit to impose, or refuse to register —

- (a) any applicant as a registered supplier; or
- (b) any regulated goods that the applicant intends to supply in Singapore as registered goods.

[24/2017]

(3) The registration of any registered supplier or any registered goods is not transferable without the written approval of the Director-General.

[24/2017]

Register of registered suppliers and registered goods

14.—(1) The Director-General must keep and maintain a register in which is entered such particulars of the registered suppliers and the registered goods as the Director-General may determine.

(2) Where the registration of any registered supplier or any registered goods has been withdrawn or revoked or has expired (as the case may be), the Director-General may —

- (a) remove the particulars of the registered supplier or the registered goods from the register; or
- (b) indicate the fact of the withdrawal, revocation or expiry of registration against the particulars of the registered supplier or the registered goods in the register, as the case may be.

(3) The Director-General may, upon an application by any person accompanied by such fee as may be prescribed, provide a certified copy of an entry in the register to that person.

Duration and renewal of registration

15.—(1) The registration of any registered supplier remains valid unless withdrawn or revoked under section 16.

(2) The registration of any registered goods, including any renewal of such registration, is valid for 3 years unless earlier withdrawn or revoked under section 16.

(3) An application to renew the registration of any registered goods must be made before the expiry of the registration.

[24/2017]

(4) The Director-General may renew the registration of any registered goods subject to any condition the Director-General thinks fit to impose, or refuse to renew the registration.

Withdrawal or revocation of registration

16.—(1) The Director-General may withdraw the registration —

- (a) of any registered supplier where the registered supplier applies to the Director-General to withdraw the registered supplier's registration; or
- (b) of any registered goods which a registered supplier ceases to supply in Singapore, where the registered supplier applies to the Director-General to withdraw the registration.

(2) The Director-General may revoke the registration of any registered supplier after giving notice to the registered supplier and after such inquiry as the Director-General thinks fit —

- (a) if the registered supplier procured the registration by providing any particulars, information or document, or by making any statement or representation, to the Director-General which is false or misleading in any material particular;
- (b) if the Director-General is satisfied that the registered supplier has contravened any condition of the registration;
- (c) if the registered supplier has been convicted of —
 - (i) an offence under section 12(2) as in force before 1 January 2018 of supplying registrable goods that do not meet the minimum energy efficiency standards prescribed for those goods; or

- (ii) an offence under section 12(2) of making a prohibited supply of regulated goods, being goods that do not meet any requirement under section 12(4)(b) applicable to the regulated goods; or
- (d) in the event of such other occurrence or in such other circumstances as may be prescribed.

[24/2017]

(3) The Director-General may revoke the registration of any registered goods after giving notice to the registered supplier supplying those goods and after such inquiry as the Director-General thinks fit, if the Director-General is satisfied —

- (a) that the registered goods do not conform with the results of any test or examination furnished by the registered supplier to the Director-General under this Part;
- (b) that the regulated goods do not meet any requirement under section 12(4) applicable to the regulated goods and not waived under section 31B(1);
- (c) that a modification to the registered goods has resulted in a change that affects the energy efficiency of the registered goods;
- (d) that the registered supplier has procured the registration of the registered goods by providing any particulars, information or document, or by making any statement or representation, to the Director-General which is false or misleading in any material particular;
- (e) that the registered supplier has contravened any condition of the registration of the registered goods; or
- (f) that the registered supplier has contravened any provision of this Act in relation to the registered goods.

[24/2017]

(4) The Director-General must, within 14 days after revoking any registration under subsection (2) or (3), inform the registered supplier in writing of the revocation and the grounds for the revocation.

(5) Where the registration of any registered goods has been withdrawn under subsection (1)(b) or revoked under

subsection (3), it is the duty of every registered supplier of those goods to notify every other person —

- (a) to whom the registered supplier has supplied those goods;
and
- (b) who, in the course of any trade or business, supplies those goods in Singapore,

of the withdrawal or revocation of the registration of the goods.

Appeals

17.—(1) Any importer or manufacturer who is aggrieved by a decision of the Director-General —

- (a) refusing to register the importer or manufacturer as a registered supplier, or refusing to register any regulated goods as registered goods, under section 13(2);
- (b) refusing to renew the registration of any registered goods under section 15(4);
- (c) to impose any condition under section 13(2) or 15(4); or
- (d) to revoke the registration of any registered supplier under section 16(2) or the registration of any registered goods under section 16(3),

may, within 14 days after the date of receipt of the notice informing the importer or manufacturer of the decision of the Director-General, appeal in writing to the Minister against the decision.

[24/2017]

(2) The Minister may confirm, vary or reverse the decision of the Director-General appealed against, or give any directions in the matter as the Minister thinks fit.

(3) The decision of the Minister under subsection (2) is final.

(4) Even though any appeal under subsection (1) is pending —

- (a) any condition imposed by the Director-General under section 13(2) or 15(4);
- (b) any revocation of the registration of any registered supplier under section 16(2); or

- (c) any revocation of the registration of any registered goods under section 16(3),

takes effect from the date specified by the Director-General in his or her decision, unless the Minister otherwise directs.

[24/2017]

Maintenance of records

18.—(1) A registered supplier must keep and maintain complete and accurate records containing such information and in accordance with such requirements, as may be prescribed under section 78.

[24/2017]

(2) The registered supplier mentioned in subsection (1) must —

- (a) retain the records mentioned in that subsection for at least the prescribed period;
- (b) during the prescribed period mentioned in paragraph (a), make available for inspection by the Director-General or any authorised officer, the records mentioned in that subsection when so requested by the Director-General or any authorised officer; and
- (c) submit to the Director-General the records mentioned in subsection (1), and any other record, document or information, that the Director-General requires, in the time specified by the Director-General.

[24/2017]

(3) Any registered supplier that contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[24/2017]

Power of Director-General to require regulated goods for testing or analysis and furnishing of information

19.—(1) The Director-General may require any person carrying on a trade or business which consists of or includes the supply of any regulated goods —

- (a) to provide free of charge to the Director-General samples of the regulated goods for the purpose of testing or analysis; and
- (b) to provide to the Director-General any document or information that the Director-General requires in respect of those regulated goods or the supply of those regulated goods.

[24/2017]

(2) Any person who contravenes any requirement of the Director-General under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[24/2017]

False statements, forging of documentation, etc.

20. Any person who —

- (a) in relation to an application for registration made under section 13(1) or to renew the registration made under section 15(3), makes or causes to be made any statement or declaration which is false or misleading in any material particular;
- (b) makes or causes to be made any entry in a record, register or other document required to be kept under this Part which to the person's knowledge is false or misleading in any material particular; or
- (c) in response to any request of the Director-General under section 19, furnishes any document or information which to the person's knowledge is false or misleading in any material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both.

[24/2017]

Division 2 — Measures for business activities and premises

Subdivision (1) — Interpretation

[24/2017]

Interpretation of this Division

21. In this Division, unless the context otherwise requires —

“registered corporation” means any registrable corporation registered under section 23 as such;

“registrable corporation” means any corporation declared, or which qualifies, by an order under section 22 to be such, but does not include a transport facility operator under Part 4.

[24/2017]

Subdivision (2) — Registration of corporations

[24/2017]

Registrable corporation

22.—(1) The Minister may, after consultation with the Agency, by order in the *Gazette* —

- (a) declare any qualifications by which a corporation qualifies as a registrable corporation; and
- (b) specify a period within which a registrable corporation must apply to be registered under section 23.

(2) The order under subsection (1) may describe the class, description or type of registrable corporation, or the qualifications of a registrable corporation, in terms of one or more of the following:

- (a) a particular industry or industry sector;
- (b) a type of business activity or type of premises over which a corporation has operational control;
- (c) an energy use threshold attained by a business activity, or by one or more premises, over which a corporation has operational control.

Registration of registrable corporation

23.—(1) Any corporation which qualifies as a registrable corporation must, within the period specified in the order under section 22(1), apply to the Director-General to be registered.

[24/2017]

(2) The Director-General must register a corporation if the Director-General is satisfied that —

- (a) the corporation is a registrable corporation; and
- (b) the application for registration is in order.

(3) The registration of any registered corporation remains valid until it is cancelled under section 25.

(4) A registrable corporation which fails to apply to the Director-General to be registered within the time specified in the order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Register of registered corporations

24.—(1) The Director-General must keep and maintain a register in which is entered such particulars of the registered corporations as the Director-General may determine.

(2) Where the registration of any registered corporation has been cancelled under section 25, or the Director-General is satisfied that any registered corporation has been wound up or dissolved, the Director-General may —

- (a) remove the particulars of the registered corporation from the register; or
- (b) indicate the fact of the cancellation against the particulars of the registered corporation in the register.

[24/2017]

(3) The Director-General may, upon an application by any person accompanied by such fee as may be prescribed, provide a certified copy of an entry in the register to that person.

Corporation may apply to cancel registration

25.—(1) A registered corporation may apply to the Director-General to cancel its registration —

- (a) subject to paragraph (b), if the registered corporation no longer qualifies as a registrable corporation;

- (b) in the case where the registered corporation had qualified as a registrable corporation by reason of any business activity or premises under its operational control having attained an energy use threshold, if that business activity or premises (as the case may be) of the registered corporation ceased to attain the energy use threshold for a continuous period of at least 3 years immediately preceding the application; or
- (c) in the event of such other occurrence or in such other circumstances as may be prescribed.

(2) The Director-General must cancel the registration of any registered corporation if the Director-General is satisfied that any of the grounds for cancellation in subsection (1) are made out.

(3) The Director-General must, within 14 days after cancelling the registration of any corporation under subsection (2), inform the corporation in writing of the cancellation.

Power of Director-General to ascertain if corporation is registrable

26.—(1) The Director-General may, for the purpose of ascertaining whether any corporation qualifies as a registrable corporation, do all or any of the following:

- (a) by written notice, require the corporation to —
 - (i) carry out any test or inspection that the Director-General may specify; or
 - (ii) provide to the Director-General any report, document or information that the Director-General may require in respect of any business activity or premises of the corporation;
- (b) enter the premises of the corporation during normal business hours and carry out any test or inspection that the Director-General may think necessary.

[23/2018]

(2) Any person who, without reasonable excuse, fails to comply with any requirement of the Director-General under subsection (1)(a)

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Subdivision (3) — Energy management practices

[24/2017]

Energy efficiency opportunities assessments for new ventures

26A.—(1) Where a new venture of any person (whether or not a registered corporation) will have an energy use (determined in accordance with the prescribed method or a method that satisfies the prescribed criteria) that equals or exceeds the prescribed threshold, the person must, before applying for a clearance certificate or design certificate for the new venture under section 33D or 33E of the Environmental Protection and Management Act 1999 —

- (a) ensure that the design of the new venture facility is energy efficient, by conducting an energy efficiency opportunities assessment that satisfies the prescribed requirements; and
- (b) submit a report of the assessment to the Director-General for the approval of the Director-General.

[24/2017]

[Act 23 of 2023 wef 18/12/2023]

(2) The report mentioned in subsection (1)(b) must —

- (a) be submitted through the qualified person appointed under section 8 or 11 of the Building Control Act 1989 in respect of the building works for the facility mentioned in subsection (1)(a), or any person who satisfies the prescribed criteria; and
- (b) without affecting section 78(2)(d), include information on the proposed implementation by the person mentioned in subsection (1) of any part of the energy efficiency opportunities assessment.

[24/2017]

(3) Any person that contravenes subsection (1) shall be guilty of an offence.

[24/2017]

(4) In this section —

“energy efficiency opportunities assessment” has the meaning given by section 27B(3);

“new venture”, in relation to any person, means —

(a) any new business activity or any premises of the person; or

(b) any expansion of any existing business activity or any premises of the person,

where the new business activity or premises or expansion of the business activity or premises will be a prescribed business activity or premises, and in respect of which the person has not, as at 1 January 2018, applied to the competent authority for planning permission under the Planning Act 1998;

“new venture facility” means the facility at which a new venture is to be carried out.

[24/2017]

Minimum energy efficiency standards for energy-consuming systems

26B.—(1) This section applies only to a person (whether or not a registered corporation) prescribed (called in this section a relevant person).

[24/2017]

(2) Where a person commences or causes to be commenced the conduct, on or after the day the person becomes a relevant person under subsection (1), of installation and retrofitting works on any prescribed energy-consuming system in any business activity or premises, or any part of any business activity or premises, under the operational control of the person, the relevant person must —

(a) within the prescribed period after installation and retrofitting works on the system are completed, assess in the prescribed manner the as-built energy efficiency of the system using the prescribed permanent measuring instruments; and

- (b) submit a report of the assessment to the Director-General.
[24/2017]

(3) If the as-built energy efficiency of the prescribed energy-consuming system does not meet the prescribed minimum energy efficiency standards, the Director-General may in writing direct the relevant person concerned to, within the time period specified in the direction (or such longer time as the Director-General may allow in the particular case) —

- (a) carry out such maintenance work or take such other measures in relation to the system to ensure that it meets the prescribed minimum energy efficiency standards, and carry out again an assessment described in subsection (2)(a); and

(b) submit a report of the assessment to the Director-General, and the person must comply with the direction.

[24/2017]

(4) Any person that contravenes subsection (2) or (3) shall be guilty of an offence.

[24/2017]

(5) In this section —

“as-built energy efficiency”, in relation to a prescribed energy-consuming system, means the energy efficiency of the system upon the completion of the installation and retrofitting works conducted on the system;

“installation and retrofitting works”, in relation to a prescribed energy-consuming system, means —

- (a) the installation, substantial alteration or replacement of the system; or
- (b) any other change to the energy requirements of the system as may be prescribed.

[24/2017]

26C. *[Repealed by Act 23 of 2018 wef 01/01/2019]*

Periodic reporting of energy use and production by registered corporations

27.—(1) A registered corporation must submit to the Director-General a report for each prescribed period specifying —

- (a) the energy consumption; and
- (b) the energy production,

in that period from the operation of each prescribed business activity or premises, or any part of each prescribed business activity or premises, under the operational control of the registered corporation.

[24/2017; 23/2018]

(2) Any registered corporation that contravenes subsection (1) shall be guilty of an offence.

[24/2017; 23/2018]

Energy management systems of registered corporations

27A.—(1) A registered corporation must —

- (a) implement an energy management system in respect of each prescribed business activity or premises, or any part of each prescribed business activity or premises, under the operational control of the registered corporation;
- (b) ensure that every energy management system mentioned in paragraph (a) satisfies the prescribed requirements; and
- (c) submit a report on every such energy management system to the Director-General.

[24/2017]

(2) Any registered corporation that contravenes subsection (1) shall be guilty of an offence.

[24/2017]

(3) In this section, “energy management system” means a set of interrelated or interacting elements of the registered corporation to establish an energy policy, energy objectives, energy targets, action plans and processes to achieve the energy objectives and energy targets.

[24/2017]

Energy efficiency opportunities assessments by registered corporations

27B.—(1) A registered corporation must —

- (a) conduct an energy efficiency opportunities assessment on each prescribed business activity or premises, or any part of each prescribed business activity or premises, under the operational control of the registered corporation;
- (b) ensure that the energy efficiency opportunities assessment in paragraph (a) —
 - (i) is conducted at the prescribed times; and
 - (ii) satisfies the prescribed requirements; and
- (c) submit a report of every such energy efficiency opportunities assessment to the Director-General.

[24/2017]

(2) Any registered corporation that contravenes subsection (1) shall be guilty of an offence.

[24/2017]

(3) In this section, “energy efficiency opportunities assessment” means a systematic procedure by which adequate knowledge of the energy consumption profile of any business activities or premises, and cost-effective energy efficiency opportunities are identified and quantified.

[24/2017]

Energy efficiency improvement plans of registered corporations

28.—(1) A registered corporation must submit to the Director-General an energy efficiency improvement plan for each prescribed period in respect of each prescribed business activity or premises, or any part of each prescribed business activity or premises, under the operational control of the registered corporation.

[24/2017]

(2) Without affecting section 78(2)(d), an energy efficiency improvement plan under subsection (1) must include information on the implementation of any part of the plan.

[24/2017]

(3) Any registered corporation that contravenes subsection (1) shall be guilty of an offence.

[24/2017]

Records to be kept

29.—(1) A person that is required under this Division to submit any report or plan to the Director-General must keep and maintain complete and accurate records containing such information, and in accordance with such other requirements, as may be prescribed under section 78, relating to —

- (a) those reports and plans, including the preparation and submission of the reports and plans; and
- (b) monitoring and evaluation undertaken by the person to ensure compliance with this Act (except Part 4).

[24/2017]

(2) The person mentioned in subsection (1) must —

- (a) retain the records mentioned in that subsection for at least the prescribed period;
- (b) during the prescribed period mentioned in paragraph (a), make available for inspection by the Director-General or any authorised officer, the records mentioned in subsection (1) when so requested by the Director-General or any authorised officer; and
- (c) submit to the Director-General the records mentioned in subsection (1), and any other record, document or information, that the Director-General may require, in the time specified by the Director-General.

[24/2017]

(3) Any person that contravenes subsection (1) or (2) shall be guilty of an offence.

[24/2017]

Appointment of energy manager

30.—(1) Unless granted a waiver under section 31B, every registered corporation must appoint from among its employees the number of energy managers prescribed for that class, description or

type of registered corporation, each being an employee who has the prescribed qualifications and training to carry out all of the following functions:

- (a) assist the registered corporation —
 - (i) to prepare the report for submission under section 27(1);
 - (ii) to maintain the records required under section 29;
 - (iii) to prepare the energy efficiency improvement plan for submission under section 28 and implement the energy efficiency measures proposed in the energy efficiency improvement plan; and
 - (iv) generally to comply with the provisions of this Act;
- (b) train and educate employees of the registered corporation as to the energy conservation practices of the registered corporation;
- (c) encourage energy conservation efforts by the registered corporation;
- (d) carry out any other duties that may be prescribed.

[24/2017]

(2) A registered corporation must notify the Director-General of every appointment of an energy manager within the prescribed period.

(3) Where the Director-General is of the opinion that an energy manager is not suitably qualified, having regard to the prescribed qualifications or training (including any prescribed requirements relating to continuing education or training), the Director-General may direct the registered corporation to appoint another suitably qualified energy manager in place of the firstmentioned energy manager within a specified time, and the registered corporation must comply with that direction.

(4) If any energy manager appointed under subsection (1) for any reason vacates his or her appointment —

- (a) both the registered corporation and the energy manager must each, within the prescribed period, notify the Director-General of that fact; and
 - (b) if the energy manager who vacates his or her office is the only energy manager of the registered corporation, the registered corporation must —
 - (i) without delay appoint under subsection (1) another energy manager in substitution of the firstmentioned energy manager; and
 - (ii) within the prescribed period, notify the Director-General of that substitute appointment.
- (5) Any registered corporation which contravenes subsection (1), (2), (3) or (4) shall be guilty of an offence.

Data not to be falsified, etc.

31. Any person that —

- (a) makes any statement in any report or plan required for submission to the Director-General under this Act, knowing it to be false or misleading;
- (b) provides any statement, information or document in connection with a report or plan mentioned in paragraph (a) to the Director-General, knowing it to be false or misleading;
- (c) falsifies any data required for a report or plan mentioned in paragraph (a) or otherwise required to be submitted to the Director-General under this Act; or
- (d) makes any entry or omission in any record required to be kept under this Act, knowing it to be false or misleading, or makes any record containing a statement knowing it to be false or misleading,

shall be guilty of an offence.

[24/2017]

Division 3 — General provisions for this Part

Subdivision (1) — Reports, waivers, penalties, etc.

Reports and plans

31A.—(1) A requirement to submit a report or a plan under this Part to the Director-General is a requirement to do so in accordance with any requirements prescribed under section 78 for the report or plan, including its preparation and submission.

[24/2017]

(2) The Director-General may, in respect of any incomplete or inaccurate report or plan submitted, in writing direct the person required to submit the report or plan to, within the time period specified in the direction (or any longer time that the Director-General allows in the particular case) —

(a) carry out any rectification or re-computation that the Director-General requires; and

(b) resubmit the report or plan,

and the person must comply with the direction.

[24/2017]

(3) Any person that contravenes subsection (2) shall be guilty of an offence.

[24/2017]

Power of Director-General to waive requirements

31B.—(1) A person that, in any particular case, is unable to comply with any requirement under section 12 for any regulated goods that the person intends to supply, may apply in writing to the Director-General for a waiver and the Director-General may, upon being satisfied that there are good reasons to do so, waive the requirement for any of those goods.

[24/2017]

(2) A person who, in any particular case, is unable to comply with section 26A, 26B, 27A, 27B or 28 may apply in writing to the Director-General for a waiver and the Director-General may, upon being satisfied that there are good reasons to do so, waive the application of that provision —

- (a) generally or for a specified period of time; and
- (b) for any specified business activity or premises, or a part of any specified business activity or premises.

[24/2017]

(3) Without affecting subsection (2), a person that, in any particular case, is unable to comply with a prescribed minimum energy efficiency standard under section 26B for a prescribed energy-consuming system, may apply in writing to the Director-General for a modification of the standard and the Director-General may, upon being satisfied that there are good reasons to do so, modify the standard, subject to any condition that the Director-General may impose; and the modified standard applies to the person in lieu of the prescribed standard accordingly.

[24/2017]

(4) A person that, in any particular case, is unable to comply with section 27 or 30 may apply in writing to the Director-General for a waiver and the Director-General may, upon being satisfied that there are good reasons to do so, waive the application of that provision for a specified period of time.

[24/2017; 23/2018]

Penalties for non-compliance

32.—(1) Any person guilty of an offence under section 26A(3) (in relation to a contravention of section 26A(1)(b)), 26B(4) (in relation to a contravention of section 26B(2)(b) or (3)(b)), 27(2), 27A(2), 27B(2), 28(3), 29(3), 30(5) or 31A(3) shall be liable —

- (a) on the first conviction of that offence, to a fine not exceeding \$10,000; and
- (b) on a second or subsequent conviction of an offence under the same provision (and the same contravention where applicable) or if the person was previously convicted of an offence under a related provision, to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.

[24/2017; 23/2018]

(2) The following apply for the purpose of subsection (1)(b):

- (a) for an offence under section 27(2) (in relation to a contravention of section 27(1)), a related provision is section 27(1) as in force immediately before 1 January 2018;
- (b) for an offence under section 28(3), a related provision is section 29(1) as in force immediately before 1 January 2018;
- (c) for an offence under section 29(3), a related provision is section 28(1), (2) or (3) as in force immediately before 1 January 2018;
- (d) for an offence under section 31A(3), a related provision is section 27(4)(a) (in relation to a resubmission of a report) or (b) or 29(4) (as the case may be) as in force immediately before 1 January 2018.

[24/2017]

(3) Any person guilty of an offence under section 26A(3) (in relation to a contravention of section 26A(1)(a)) shall be liable on conviction to a fine not exceeding \$100,000.

[24/2017]

(4) Any person guilty of an offence under section 26B(4) (in relation to a contravention of section 26B(2)(a) or (3)(a)) shall be liable on conviction to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

[24/2017]

(5) Any person guilty of an offence under section 31 shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both.

[24/2017]

Subdivision (2) — Powers of enforcement

Entering premises, etc., to monitor compliance

33. For the purposes of administering or enforcing this Part or determining whether this Part has been complied with, an authorised

officer may, upon declaring the authorised officer's office and producing to an occupier of premises the identification card the Director-General directs to be carried by authorised officers, do all or any of the following:

- (a) enter any premises —
 - (i) during normal business hours without notice; or
 - (ii) at any other time after giving not less than 6 hours' previous notice to the occupier of the premises (unless the occupier has consented to a shorter period of notice);
- (b) exercise any of the powers set out in sections 34, 35 and 36.

[24/2017]

Powers of authorised officers in monitoring compliance

34.—(1) An authorised officer may exercise all or any of the following powers in relation to premises under section 33:

- (a) search the premises for any thing that may relate to compliance with this Part;
- (b) examine any activity conducted on the premises that may relate to information provided for the purposes of this Part;
- (c) examine any thing on the premises that may relate to information provided for the purposes of this Part;
- (d) take photographs or make video or audio recordings or sketches on the premises of any such activity or thing;
- (e) affix or bring onto the premises, with such assistants and workmen as may be necessary, any meter or instrument and take readings from the meter or instrument, or take readings from any meter or instrument on the premises;
- (f) inspect any document on the premises that may relate to information provided for the purposes of this Part;
- (g) take extracts from, or make copies of, any such document;

- (h) take onto the premises such equipment and materials as the authorised officer requires for the purpose of exercising powers in relation to the premises;
 - (i) seize any thing found during the exercise of monitoring powers on the premises which the authorised officer believes on reasonable grounds affords evidence of a contravention of this Part.
- (2) An authorised officer may, in addition to the powers in subsection (1) —
 - (a) compel any person who is able to operate any equipment at the premises to do so for the purpose of enabling the authorised officer to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant to assessing compliance with this Part; and
 - (b) if such information is found in exercise of the power in paragraph (a) —
 - (i) produce, or compel the production of, the information in documentary form, and keep or copy the documents so produced; or
 - (ii) transfer, or compel the transfer of, the information to a disk, tape or other storage device, and remove it from the premises.

Authorised officer may require persons to provide information and produce documents

35.—(1) For the purposes of administering or enforcing this Part or determining whether this Part has been complied with, an authorised officer may (in connection with section 33 or otherwise) —

- (a) require any person to provide to the authorised officer any information within the knowledge of that person; and
- (b) require any person to produce to the authorised officer any document in the person's custody or under the person's control in connection with the matter.

[24/2017]

(2) The authorised officer may —

- (a) specify a time and place at which a person must provide the information or produce the document under subsection (1); and
- (b) without payment —
 - (i) inspect, keep, copy, or make extracts from, a document produced or made available to the authorised officer under this section; and
 - (ii) in relation to a document kept in electronic form, inspect, copy, or make extracts from, the document in legible form.

[24/2017]

(3) Where a document is kept in electronic form, the power of the authorised officer to require the document to be produced includes the power to require the document to be made available to the authorised officer in legible form.

[24/2017]

(4) To avoid doubt and without limiting subsection (1), that subsection applies to a person who supplies any energy-consuming system prescribed under section 26B, or any equipment relating to such system, or both, in respect of information and documents relating to such supplies.

[24/2017]

(5) Any person who, without reasonable excuse, refuses or fails to comply with a requirement under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Power to demand names and addresses

36.—(1) An authorised officer may require any person found on the premises under section 33 to —

- (a) give his or her name and address and any other proof of identity; and
- (b) provide any other particulars,

as the authorised officer may require for the purposes of this Part.

(2) Any person who, upon being required by the authorised officer to give his or her name and address or other proof of identity or to provide any particulars under subsection (1) —

- (a) refuses to do so;
- (b) wilfully misstates his or her name and address or proof of identity; or
- (c) provides false particulars,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Authorised officers to be provided with all facilities and assistance

37. Where the Director-General or any authorised officer exercises a power under this Part, the person against whom the power is exercised or sought to be exercised must provide the Director-General, authorised officer or any person assisting the Director-General or authorised officer (as the case may be) with all reasonable facilities and assistance for the effective exercise of the power.

[24/2017]

Penalty for obstructing Director-General or authorised officer in course of duty

38. Any person who at any time hinders or obstructs the Director-General or any authorised officer in the performance or execution of his or her duty or of any thing which he or she is empowered or required to do under this Part shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

PART 4

ENERGY CONSERVATION MEASURES
FOR TRANSPORT SECTOR*Division 1 — Fuel economy labelling, etc., of motor vehicles***Interpretation of this Division**

39. In this Division, unless the context otherwise requires —

“authorised dealer” means a person who is appointed to sell a vehicle in Singapore under a distributorship agreement with the manufacturer of the vehicle;

“batch type-approval”, “modified type-approval” and “type-approval” have the meanings given by rule 3D of the Road Traffic (Motor Vehicles, Registration and Licensing) Rules;

“FEL effective date” or “fuel economy and vehicular emissions labelling effective date”, in relation to any motor vehicle, means the date on which the motor vehicle becomes one of a class, description or type of motor vehicle specified in an order under section 40;

“sale” includes attempting to sell, causing or allowing to be sold, or displaying for sale;

“vehicular emission”, in relation to a motor vehicle, means any vehicular emission that is a prescribed vehicular emission under section 11AA of the Road Traffic Act 1961.

[24/2017]

Motor vehicles subject to requirements on fuel economy and vehicular emissions

40. The Transport Minister may, after consultation with the Land Transport Authority, by order in the *Gazette*, declare any class, description or type of motor vehicle to be subject to the requirements on fuel economy and vehicular emissions in this Division from the date specified in the order.

[24/2017]

Fuel economy and vehicular emissions certificate, data and testing

41.—(1) Any authorised dealer, manufacturer or importer of motor vehicles intending to sell or offer for sale any motor vehicle of a class, description or type specified in an order under section 40 in Singapore on or after the FEL effective date in respect of that motor vehicle shall —

- (a) when applying for type-approval, batch type-approval or modified type-approval in respect of motor vehicles of that class, description or type, submit to the Registrar all of the following documents relating to the class, description or type of motor vehicle, in accordance with the prescribed requirements:
 - (i) a certificate relating to fuel economy issued by a standards organisation or an international authority recognised by the Registrar;
 - (ii) data on fuel consumption and vehicular emissions (including vehicular emissions levels) measured or determined in accordance with such method or any method which meets such criteria as may be provided for in regulations made under section 62;
 - (iii) such other information and documents relating to fuel economy and vehicular emissions as may be prescribed; and
- (b) if required by the Registrar —
 - (i) send one or more of the motor vehicles for such tests or inspections as the Registrar may specify; or
 - (ii) provide to the Registrar any further documents or information that the Registrar may require in respect of those motor vehicles.

[24/2017]

(2) The data required under subsection (1)(a)(ii) may be issued by a vehicle emission testing laboratory recognised by the Registrar.

[24/2017]

(3) The Registrar may publish, in the form and manner the Registrar deems appropriate, the data submitted to the Registrar under subsection (1)(a)(ii).

[24/2017]

Labelling of fuel economy and vehicular emissions

42.—(1) A person must not, in the course of any trade or business, sell or offer for sale any motor vehicle of a class, description or type specified in an order under section 40 in Singapore on or after the FEL effective date for that motor vehicle, unless —

- (a) throughout the period that the motor vehicle is displayed for sale, the motor vehicle bears the label on fuel economy and vehicular emissions, approved by the Registrar for that class, description or type of motor vehicle, in the prescribed manner; and
- (b) any printed promotional material or advertisement distributed by the person relating to the class, description or type of motor vehicle contains such information on fuel economy and vehicular emissions of the motor vehicle, in such form and manner, as may be prescribed for the type of material or advertisement being distributed.

[24/2017]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

False statements, forging of documentation, etc.

43. Any person who —

- (a) in relation to any submission to the Registrar under section 41, makes or causes to be made any statement or declaration which is false or misleading in any material particular;
- (b) makes or causes to be made any entry or omission in the information or documents submitted to the Registrar, which to the person's knowledge is false or misleading in any material particular; or

- (c) forges any approval, certificate or data required to be submitted to the Registrar or any label on fuel economy and vehicular emissions mentioned in section 42,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both.

[24/2017]

*Division 2 — Energy management practices for transport
facility operators*

Interpretation of this Division

44. In this Division, unless the context otherwise requires, “transport facility operator” means any transport facility operator declared, or which qualifies, by an order under section 45 to be such.

Transport facility operators

45.—(1) The Transport Minister may, by order in the *Gazette* —

- (a) declare any airport service operator, land transport operator or port service operator to be a transport facility operator from the date specified in the order; or
- (b) declare any qualifications by which any airport service operator, land transport operator or port service operator qualifies as a transport facility operator.

(2) The order under subsection (1) may describe the qualifications of a transport facility operator, in terms of one or both of the following:

- (a) a type of business activity or type of premises over which an airport service operator, a land transport operator or a port service operator has operational control;
- (b) an energy use threshold attained by a business activity, or by one or more premises, over which an airport service operator, a land transport operator or a port service operator has operational control.

Power of sector regulator to ascertain if entity is transport facility operator

46.—(1) The appropriate sector regulator may, for the purpose of ascertaining whether any airport service operator, land transport operator or port service operator qualifies as a transport facility operator, do all or any of the following:

- (a) by written notice, require the airport service operator, land transport operator or port service operator, as the case may be, to —
 - (i) carry out any test or inspection that the sector regulator may specify; or
 - (ii) provide to the sector regulator any report, document or information that the sector regulator may require in respect of any business activity or premises of the airport service operator, land transport operator or port service operator;
- (b) enter the premises of the airport service operator, land transport operator or port service operator (as the case may be) during normal business hours and carry out any test or inspection that a transport sector authorised officer of the sector regulator may think necessary.

[23/2018]

(2) Any person who, without reasonable excuse, fails to comply with any requirement of the sector regulator under subsection (1)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Periodic reporting of energy use, etc.

47.—(1) Every transport facility operator shall, within the period and in the manner prescribed, prepare and submit to the appropriate sector regulator in accordance with subsection (2), a report relating to the —

- (a) energy consumption;
- (b) energy production; and
- (c) greenhouse gas emissions,

from the operation of any business activity or premises or part thereof under the operational control of the transport facility operator during a prescribed period.

(2) A report under subsection (1) must —

- (a) be in the form provided by the sector regulator;
- (b) contain data on the required information computed in accordance with such method as may be prescribed or any method which meets such criteria as may be prescribed; and
- (c) contain any other information that may be prescribed.

(3) The sector regulator may, in respect of any incomplete or inaccurate report from a transport facility operator, in writing direct the transport facility operator to do all of the following within the period specified in the direction:

- (a) to carry out any rectification or re-computation that the sector regulator requires;
- (b) to re-submit the report.

(4) Any transport facility operator which —

- (a) fails to submit or re-submit a report under this section within the period delimited under this section or within any extended time that the sector regulator allows in any particular case;
- (b) fails to comply with any direction given by the sector regulator under subsection (3)(a); or
- (c) submits a false or misleading report,

shall be guilty of an offence.

Records to be kept

48.—(1) Every transport facility operator must keep and maintain complete and accurate records in the prescribed form and manner containing such information as may be prescribed —

- (a) where the records are relevant to the preparation by the transport facility operator of complete and accurate reports

under section 47 or energy efficiency improvement plans under section 49; and

- (b) where the records are relevant to monitoring and evaluating compliance by the transport facility operator with this Act.

(2) A transport facility operator must —

- (a) retain the records mentioned in subsection (1) for the prescribed period; and
- (b) during that prescribed period, make available to any transport sector authorised officer of the sector regulator the records mentioned in subsection (1) for inspection whenever requested to do so by the transport sector authorised officer.

(3) A transport facility operator must submit any record, or provide any other document or information, that may be required by the sector regulator within the time specified by the sector regulator.

(4) Any transport facility operator which contravenes subsection (1), (2) or (3) shall be guilty of an offence.

Energy efficiency improvement plans

49.—(1) Unless granted a waiver under subsection (3), a transport facility operator must prepare and submit to the appropriate sector regulator, in accordance with subsection (2) and any other prescribed requirements, an energy efficiency improvement plan for a prescribed period in respect of any business activity or premises over which the transport facility operator has operational control.

(2) An energy efficiency improvement plan must —

- (a) contain the information (including information on the implementation of any part of the plan) prescribed; and
- (b) be submitted at the prescribed intervals and within the prescribed period.

(3) A transport facility operator which is unable to comply with subsection (1) in any particular case may apply in writing to the sector regulator for a waiver and the sector regulator may, if it is satisfied

that there are good reasons to do so, waive the application of subsection (1) for a specified period of time or in respect of a specified business activity or specified premises or part thereof of the transport facility operator.

(4) The sector regulator may, in respect of any incomplete energy efficiency improvement plan, in writing direct the transport facility operator, within the time specified in the direction —

(a) to carry out any rectification or re-computation that the sector regulator requires; and

(b) to re-submit the energy efficiency improvement plan.

(5) Any transport facility operator which contravenes subsection (1) or fails to comply with a direction under subsection (4) shall be guilty of an offence.

Appointment of energy manager

50.—(1) Unless granted a waiver under subsection (5), every transport facility operator must appoint from among its employees the number of energy managers prescribed for that class, description or type of transport facility operator, each being an employee who has the prescribed qualifications and training to carry out all of the following functions:

(a) assist the transport facility operator —

(i) to prepare the report for submission under section 47;

(ii) to maintain the records required under section 48;

(iii) to prepare the energy efficiency improvement plan for submission under section 49 and implement the energy efficiency measures proposed in the energy efficiency improvement plan; and

(iv) generally to comply with the provisions of this Act;

(b) train and educate employees of the transport facility operator as to the energy conservation practices of the transport facility operator;

(c) encourage energy conservation efforts by the transport facility operator;

(d) carry out any other duties that may be prescribed.

(2) A transport facility operator must notify the appropriate sector regulator of every appointment of an energy manager within the prescribed period.

(3) Where the sector regulator is of the opinion that an energy manager is not suitably qualified, having regard to the prescribed qualifications or training (including any prescribed requirements relating to continuing education or training), the sector regulator may direct the transport facility operator to appoint another suitably qualified energy manager in place of the firstmentioned energy manager within a specified time, and the transport facility operator must comply with the direction.

(4) If any energy manager appointed under subsection (1) for any reason vacates his or her appointment —

(a) both the transport facility operator and the energy manager must each, within the prescribed period, notify the sector regulator of that fact; and

(b) if the energy manager who vacates his or her office is the only energy manager of the transport facility operator, the transport facility operator must —

(i) without delay appoint under subsection (1) another energy manager in substitution of the firstmentioned energy manager; and

(ii) within the prescribed period, notify the sector regulator of that substitute appointment.

(5) A transport facility operator which is unable to comply with subsection (1) in any particular case may apply in writing to the sector regulator for a waiver and the sector regulator may, if it is satisfied that there are good reasons to do so, waive the application of subsection (1) for a specified period of time.

(6) Any transport facility operator which contravenes subsection (1), (2), (3) or (4) shall be guilty of an offence.

Energy manager not to falsify data

51. Any energy manager appointed under section 50 who —

- (a) in any report or energy efficiency improvement plan prepared for submission to the appropriate sector regulator under this Act, makes any statement which he or she knows to be false or misleading;
- (b) makes any entry or omission in any record required to be kept under this Act, which he or she knows to be false or misleading, or makes any record containing a statement which he or she knows to be false or misleading; or
- (c) falsifies any data required to be submitted to the appropriate sector regulator under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Penalties for non-compliance

52. A transport facility operator which is guilty of an offence under section 47, 48, 49 or 50 shall be liable —

- (a) on the first conviction to a fine not exceeding \$10,000; and
- (b) on a second or subsequent conviction to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.

*Division 3 — Powers of enforcement***Entering premises, etc., to monitor compliance**

53. For the purposes of determining whether this Part has been complied with, a transport sector authorised officer of the appropriate sector regulator may, on declaration of his or her office and production to the person against whom he or she is acting of the identification card the sector regulator directs to be carried by its transport sector authorised officers —

- (a) enter any premises owned or occupied by —
 - (i) an authorised dealer, manufacturer or importer of motor vehicles; or
 - (ii) a transport facility operator,
during normal business hours without notice, or at any other time after giving not less than 6 hours' previous notice to the occupier of the premises (unless the occupier has consented to a shorter period of notice); and
- (b) exercise the powers set out in sections 54, 55 and 56.

Powers of transport sector authorised officers in monitoring compliance

54.—(1) A transport sector authorised officer of the appropriate sector regulator may exercise all or any of the following powers in relation to premises under section 53:

- (a) search the premises for any thing that may relate to compliance with this Part;
- (b) examine any activity conducted on the premises that may relate to information provided for the purposes of this Part;
- (c) examine any thing on the premises that may relate to information provided for the purposes of this Part;
- (d) take photographs or make video or audio recordings or sketches on the premises of any such activity or thing;
- (e) affix or bring onto the premises, with such assistants and workmen as may be necessary, any meter or instrument and take readings from the meter or instrument, or take readings from any meter or instrument on the premises;
- (f) inspect any document on the premises that may relate to information provided for the purposes of this Part;
- (g) take extracts from, or make copies of, any such document;
- (h) take onto the premises such equipment and materials as the transport sector authorised officer requires for the purpose of exercising powers in relation to the premises;

- (i) seize any thing found during the exercise of monitoring powers on the premises which the transport sector authorised officer believes on reasonable grounds affords evidence of a contravention of this Part.
- (2) A transport sector authorised officer of the sector regulator may, in addition to the powers in subsection (1) —
 - (a) compel any person who is able to operate any equipment at the premises to do so for the purpose of enabling the transport sector authorised officer to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant to assessing compliance with this Part; and
 - (b) if such information is found in exercise of the power in paragraph (a) —
 - (i) produce, or compel the production of, the information in documentary form, and keep or copy the documents so produced; or
 - (ii) transfer, or compel the transfer of, the information to a disk, tape or other storage device, and remove it from the premises.

Transport sector authorised officer may require persons to furnish information and produce documents

55.—(1) A transport sector authorised officer of the appropriate sector regulator may require —

- (a) any authorised dealer, manufacturer or importer of motor vehicles;
- (b) any transport facility operator;
- (c) any person who apparently represents a person referred to in paragraph (a) or (b);
- (d) an energy manager of a transport facility operator; or

(e) any person who is on the premises of a person referred to in paragraph (a) or (b) when the transport sector authorised officer exercises his or her powers under section 53 or 54, to provide any information within the knowledge of that person or produce any document in the person's custody or under the person's control in connection with the matter, and may, without payment, inspect, keep, copy or make extracts from such document.

(2) Any person who, without reasonable excuse, refuses or fails to comply with a requirement under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Power to demand names and addresses

56.—(1) A transport sector authorised officer of the appropriate sector regulator may require any person found on the premises under section 53 to —

(a) give his or her name and address and any other proof of identity; and

(b) provide any other particulars,

as the transport sector authorised officer may require for the purposes of this Part.

(2) Any person who, upon being required by the transport sector authorised officer to give his or her name and address or other proof of identity or to provide any particulars under subsection (1) —

(a) refuses to do so;

(b) wilfully misstates his or her name and address or proof of identity; or

(c) provides false particulars,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Powers to examine and secure attendance, etc.

57.—(1) For the purpose of investigating any offence under this Part, a transport sector authorised officer of the appropriate sector regulator may do all or any of the following:

- (a) examine orally any person who appears to be acquainted with the facts and circumstances of matters under this Part —
 - (i) whether before or after that person or anyone else is charged with an offence in connection with the matter; and
 - (ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter;
- (b) require by written notice the attendance before himself or herself of any person within the limits of Singapore, who, from information given or otherwise, appears to be acquainted with the facts and circumstances of matters under this Part, and that person must attend as required;
- (c) require any person to provide any information or produce any book, document or copy of such book or document in the possession of that person and, without payment, inspect, keep, copy or take extracts from such book or document.

(2) Any person examined under this section is bound to state truly what the person knows of the facts and circumstances concerning matters under this Part, except that he or she need not say anything that might expose him or her to a criminal charge, penalty or forfeiture.

(3) A statement made by any person examined under this section must —

- (a) be reduced to writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted in a language that the person understands; and

(d) after correction (if necessary) be signed by the person.

(4) If any person fails to attend as required by a notice under subsection (1)(b), the transport sector authorised officer may report the failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the notice.

Authorised dealer, etc., and transport facility operator to provide transport sector authorised officer with all facilities and assistance

58. Any authorised dealer, manufacturer or importer of motor vehicles and any transport facility operator must provide any transport sector authorised officer exercising his or her powers under this Part, and any person assisting that officer, all reasonable facilities and assistance for the effective exercise of their powers.

Penalty for obstructing transport sector authorised officer in course of duty

59. Any person who at any time hinders or obstructs any transport sector authorised officer in the performance or execution of his or her duty or of any thing which the transport sector authorised officer is empowered or required to do under this Part shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

Composition of offences

60.—(1) The appropriate sector regulator or an officer authorised by the sector regulator to compound offences may compound any offence under this Part that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
 - (b) \$5,000.
- (2) On payment of the sum of money, no further proceedings are to be taken against that person in respect of the offence.
- (3) The Transport Minister may make regulations to prescribe the offences which may be compounded.
- (4) All sums collected under this section must be paid to the Consolidated Fund.

Exemption

61. The Transport Minister may, by order in the *Gazette* and with or without conditions, exempt —

- (a) any class, description or type of motor vehicles, business activity or premises from all or any of the provisions of this Part; or
- (b) any class or description of persons from compliance with all or any of the provisions of this Part.

Regulations

62.—(1) The Transport Minister may make regulations necessary or expedient for carrying out the purposes and provisions of this Part.

(2) Without limiting subsection (1), the Transport Minister may make regulations for or with respect to all or any of the following matters:

- (a) providing for additional fuel economy and vehicular emissions testing, labelling or reporting requirements in relation to any class, description or type of motor vehicle specified in an order under section 40;
- (b) specifying a minimum fuel economy standard with which any class, description or type of motor vehicle specified in an order under section 40 must comply;
- (c) establishing a register of transport facility operators;

- (d) specifying any energy efficiency standards or energy management standards with which any class or description of transport facility operators must comply;
- (e) in relation to reports under section 47 —
 - (i) specifying the methods, or criteria for methods, by which the amounts of emissions, reduction, removal, offsets, energy production or energy consumption are to be measured, including specifying —
 - (A) different methods or criteria for different transport facility operators;
 - (B) different methods or criteria depending on the circumstances in which the emissions, reduction, removal, offsets, production or consumption occurred;
 - (C) conditions relating to the use of different methods or criteria;
 - (D) rating systems for those methods (including different rating systems for different circumstances); and
 - (E) the particular rating given to each of those methods; and
 - (ii) specifying different requirements in relation to the information to be supplied in the report for different circumstances;
- (f) requirements for the preparation and submission of a report under section 47 or an energy efficiency improvement plan under section 49;
- (g) requirements relating to the implementation of energy efficiency measures proposed in any energy efficiency improvement plan under section 49;
- (h) in relation to an energy manager under this Part —
 - (i) the requirements for the appointment, training and qualification of an energy manager;

- (ii) the functions and duties of an energy manager; and
 - (iii) the powers of an energy manager, being necessary powers for the discharge of his or her functions and duties;
- (i) prescribing any forms for use under this Part;
 - (j) prescribing any fees and charges payable for the purposes of this Part;
 - (k) prescribing any other matter which is required or permitted to be prescribed to give effect to this Part.

[24/2017]

(3) The Transport Minister may, in making any regulations under this section, provide that any contravention of any of the provisions of such regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both.

Adoption of codes and standards

63.—(1) Any regulations made under section 62 may adopt wholly or partially, or as amended by the regulations or by reference, any code, standard, rule, specification or provision which relates to any matter with which the regulations deal and which —

- (a) is recommended, issued or adopted by any standards organisation or body (whether within or outside Singapore) approved by the appropriate sector regulator; or
- (b) is considered by the appropriate sector regulator to be appropriate for adoption for the purposes of this Part.

(2) The sector regulator must cause a copy of every code, standard, rule, specification or provision adopted under subsection (1) to be made available for inspection by members of the public without charge at the office of the sector regulator during normal office hours.

(3) In any proceedings, a copy certified by the appropriate sector regulator as a true copy of a code, standard, rule, specification or provision adopted under subsection (1) is evidence of the code, standard, rule, specification or provision so adopted.

PART 5

MISCELLANEOUS

Power to obtain energy consumption data from energy suppliers

64.—(1) For the purpose of carrying out his or her duties and functions under this Act, or obtaining information to assist a sector regulator in carrying out its duties and functions under Part 4, the Director-General may, by a written notice to any of the following persons (called in this section an energy supplier), require the energy supplier to provide the Director-General with data relating to the energy consumption of any person, business activity or premises specified in the notice:

- (a) any electricity licensee under the Electricity Act 2001;
- (b) any gas licensee under the Gas Act 2001;
- (c) any other supplier of steam, oil, fuel, district cooling services or other types of energy.

(2) An energy supplier to whom a notice is directed under subsection (1) must provide the data required in the form and manner and within the time specified in the notice.

(3) An energy supplier which, without reasonable excuse, contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Energy and environment impact surveys

65.—(1) The Director-General may, from time to time, undertake investigations or surveys of the levels of energy consumption, energy production or greenhouse gas emissions for the purposes of —

- (a) assessing the impact on the environment of certain industries or activities; or
- (b) advising the Minister or other public bodies concerning energy or environmental policies.

(2) For the purpose of any investigation or survey under subsection (1), the Director-General may by written notice require

any person to provide the Director-General, within the time and in the form and manner specified by the Director-General, any information relating to the energy consumption, energy production or greenhouse gas emissions of that person as the Director-General may require.

(3) Any person to whom a notice under subsection (2) is directed who, without reasonable excuse, fails to comply with the notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Powers to examine and secure attendance, etc.

66.—(1) For the purpose of investigating any offence under this Act (except Part 4), an authorised officer may do all or any of the following:

- (a) examine orally any person who appears to be acquainted with the facts and circumstances of matters under this Act —
 - (i) whether before or after that person or anyone else is charged with an offence in connection with the matter; and
 - (ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter;
- (b) require by written notice the attendance before himself or herself of any person within the limits of Singapore, who, from information given or otherwise, appears to be acquainted with the facts and circumstances of matters under this Act, and that person must attend as required;
- (c) require any person to provide any information or produce any book, document or copy of such book or document in the possession of that person and, without payment, inspect, keep, copy or take extracts from such book or document.

(2) Any person examined under this section is bound to state truly what the person knows of the facts and circumstances concerning matters under this Act, except that the person need not say anything

that might expose the person to a criminal charge, penalty or forfeiture.

(3) A statement made by any person examined under this section must —

- (a) be reduced to writing;
- (b) be read over to the person;
- (c) if the person does not understand English, be interpreted in a language that the person understands; and
- (d) after correction (if necessary) be signed by the person.

(4) If any person fails to attend as required by a notice under subsection (1)(b), the authorised officer may report the failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the notice.

Notices and other documents may be given by authorised officer or transport sector authorised officer

67.—(1) All notices and other documents of any nature which —

- (a) the Director-General is empowered to give under this Act may, subject to the direction of the Director-General, be given by any authorised officer on behalf of the Director-General; and
- (b) a sector regulator is empowered to give under this Act may, subject to the direction of the sector regulator, be given by any transport sector authorised officer appointed by that sector regulator on its behalf.

(2) Where any such notice or document mentioned in subsection (1)(a) requires authentication, the signature or an official facsimile of the signature of the Director-General or an authorised officer affixed to the notice or document is sufficient authentication.

(3) Where any such notice or document mentioned in subsection (1)(b) requires authentication, the signature or an official facsimile of the signature of the Chief Executive, or a

transport sector authorised officer, of the sector regulator affixed to the notice or document is sufficient authentication.

Service of documents, etc.

68.—(1) Every notice or document required or authorised by this Act to be served on any person may be served —

(a) in the case of an individual —

- (i) by delivering it to the individual personally;
- (ii) by leaving it with an adult person apparently resident at, or by sending it by post to, the usual or last known address of the place of residence of the individual;
- (iii) by leaving it with an adult person apparently employed at, or by sending it by post to, the usual or last known address of the place of business of the individual;
- (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of the place of residence or business of the individual; or
- (v) by sending it by fax to the fax number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given to an authorised officer or a transport sector authorised officer by the individual as the fax number for the service of documents on the individual;

(b) in the case of a partnership other than a limited liability partnership —

- (i) by delivering it to any one of the partners or the secretary or other similar officer of the partnership;
- (ii) by leaving it at, or by sending it by post to, the principal or last known place of business of the partnership in Singapore; or

- (iii) by sending it by fax to the fax number operated at the principal or last known place of business of the partnership in Singapore; and

(c) in the case of a body corporate —

- (i) by delivering it to the secretary or other similar officer of the body corporate or, in the case of a limited liability partnership, the manager of the limited liability partnership;
- (ii) by leaving it at, or by sending it by post to, the registered office or principal office of the body corporate in Singapore; or
- (iii) by sending it by fax to the fax number operated at the registered office or principal office of the body corporate in Singapore.

(2) Where any notice or other document to be served on any person is —

- (a) sent by fax to the fax number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it is deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending fax machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office, as the case may be; and
- (b) sent by post, it is deemed to have been duly served on the person to whom it is addressed by the time at which it would have been delivered in the ordinary course of post.

(3) A notice or other document required or authorised by this Act to be served on the owner or occupier of any premises is deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of the premises without further name or description.

(4) This section does not apply to notices and other documents to be served in proceedings in court.

(5) In this section, “body corporate” includes a limited liability partnership.

Inaccuracies in document

69.—(1) No misnomer or inaccurate description of any person, premises, building, holding, street or place named or described in any document prepared, issued or served under, by virtue of or for the purposes of this Act in any way affects the operation of this Act as respects that person or place if that person or place is so designated in the document as to be identifiable.

(2) No proceedings taken under or by virtue of this Act shall be invalid for want of form.

Evidence

70.—(1) The contents of any document prepared, issued or served by the Agency, a sector regulator or any authorised officer or transport sector authorised officer under or for the purposes of this Act is, until the contrary is proved, presumed to be correct.

(2) All records, registers and other documents kept by the Agency or a sector regulator or by any authorised officer or transport sector authorised officer for the purposes of this Act are deemed to be public documents.

(3) A copy of or an extract from any document mentioned in subsection (2) that is —

- (a) certified by an officer or employee of the Agency or sector regulator responsible for the custody of such documents to be a true copy or extract, as the case may be; and
- (b) subscribed by the officer or employee with his or her name and official title,

is admissible in evidence as proof of the contents of the document or extract from the document.

Disclosure of information

71. Despite section 47 of the National Environment Agency Act 2002, section 14 of the Civil Aviation Authority of Singapore

Act 2009, section 41 of the Land Transport Authority of Singapore Act 1995 and section 98 of the Maritime and Port Authority of Singapore Act 1996 —

- (a) the Director-General, and any authorised officer with the approval of the Director-General; and
- (b) each of the sector regulators, and any transport sector authorised officer with the approval of the appropriate sector regulator,

may provide any information, report or document obtained in the performance of their duties or in the exercise of their functions under this Act to any of the public officers or statutory bodies set out in the Schedule for the purpose of enabling the performance or discharge by that public officer or statutory body of his, her or its functions or duties.

Offences by bodies corporate, etc.

72.—(1) Where an offence under this Act committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer of the body corporate; or
- (b) to be attributable to any act or default on the part of any officer of the body corporate,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any act or default on the partner's part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any act or default on the part of such officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership;

“officer” —

(a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in that capacity; or

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in that capacity;

“partner” includes a person purporting to act as a partner.

(6) The Minister may make regulations to provide for the application of any provision of this section, with any modifications that the Minister considers appropriate, to any body corporate, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

Power of court to order cause of contravention to be remedied

73.—(1) Where any person is convicted of an offence under this Act, the court may, in addition to or instead of imposing any penalty, order the person to take, within the time specified in the order (or within such further time as the court may allow), the steps specified in the order for remedying the matters in respect of which the contravention occurred.

(2) Subject to subsection (3), where an order is made under subsection (1), the convicted person shall not be liable under this Act in respect of the continuation of the contravention during the time specified in the order or allowed by the court to remedy the matters in respect of which the contravention occurred.

(3) If, after the expiration of the time specified in the order or allowed by the court under subsection (1) following a conviction of an offence, the order is not complied with, the person mentioned in that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 for every day during which the non-compliance continues after the date of conviction for that firstmentioned offence.

Composition of offences

74.—(1) The Director-General or any officer of the Agency authorised by the Director-General to compound offences may compound any offence under this Act (except Part 4) that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$5,000.

(2) On payment of the sum of money, no further proceedings are to be taken against that person in respect of the offence.

(3) The Minister may make regulations to prescribe the offences which may be compounded, including offences under the provisions of this Act which have been repealed.

[24/2017]

(4) All sums collected under this section must be paid to the Consolidated Fund.

Saving of prosecutions under other laws

75. Nothing in this Act prevents any person from being prosecuted under any other written law for any act or omission which constitutes an offence under this Act or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act, except that a person must not be punished twice for the same offence.

Amendment of Schedule

76.—(1) The Minister may, by order in the *Gazette*, amend, add to or vary the Schedule.

(2) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provision as may be necessary or expedient.

(3) Any order made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.

Exemption

77. The Minister may, by order in the *Gazette* and with or without conditions, exempt —

- (a) any class or description of goods, business activity or premises from all or any of the provisions of this Act (except Part 4); or
- (b) any class or description of persons from compliance with all or any of the provisions of this Act (except Part 4).

Regulations

78.—(1) The Minister may make regulations necessary or expedient for carrying out the purposes and provisions of this Act (except Part 4).

(2) Without limiting subsection (1), the Minister may make regulations for or with respect to, or to otherwise make provision for, all or any of the following matters:

- (a) the registration requirements in relation to —
 - (i) regulated goods;
 - (ii) suppliers of regulated goods; and
 - (iii) registrable corporations;
- (b) the form of any application, report, plan or other document mentioned in this Act (except Part 4);
- (c) the preparation of any application, report, plan or other document mentioned in this Act (except Part 4), including the person that should prepare the same and any criteria that the person must satisfy;
- (d) the information and documents to be included in or to accompany any application, report, plan or other document mentioned in this Act (except Part 4);
- (e) without affecting paragraph (d), in relation to any report or plan mentioned in this Act (except Part 4), the methods, or criteria for the methods, by which the amounts of reductions, removals, offsets, energy production, energy consumption or any other matters are to be measured or determined, including any one or more of the following:
 - (i) conditions relating to the use of different methods or criteria;
 - (ii) rating systems for those methods;
 - (iii) the particular rating given to each of those methods;

- (f) the period within which any application, report, plan or other document mentioned in this Act (except Part 4) is to be submitted (including at prescribed intervals);
- (g) the manner in which any application, report, plan or other document mentioned in this Act (except Part 4) is to be submitted, including the person that should submit the same and any criteria that the person must satisfy;
- (h) the implementation of energy efficiency measures proposed in any energy efficiency improvement plan under section 28;
- (i) the criteria which any person carrying out any assessment required under this Act (except Part 4) must satisfy;
- (j) in relation to an energy manager under Part 3 —
 - (i) the appointment, training and qualification of an energy manager;
 - (ii) the functions and duties of an energy manager; and
 - (iii) the powers of an energy manager, being necessary powers for the discharge of the energy manager's functions and duties;
- (k) any fees and charges payable for an application under, or for any purpose of, this Act (except Part 4);
- (l) any other matter that is required or permitted to be prescribed to give effect to this Act (except Part 4).

[24/2017; 23/2018]

(3) Regulations made under this section may make different provision —

- (a) for different classes, descriptions or types of goods, persons or industry sectors; and
- (b) for different circumstances (including, in relation to subsection (2)(e), the circumstances in which the reductions, removals, offsets, energy production, energy consumption or other matters occur).

[24/2017; 23/2018]

(4) The Minister may make regulations for the purpose of coordinating the exercise of powers by the Director-General under this Act and the exercise of powers by any other sector regulator mentioned in Part 4, and may, in particular, make regulations to provide for the procedure to be followed —

- (a) in determining, in a particular case or category of cases, whether the Director-General (or an authorised officer) should exercise his or her powers or whether a sector regulator (or a transport sector authorised officer) should exercise his, her or its powers; and
- (b) where the Director-General and a sector regulator, or their respective authorised officers or transport sector authorised officers, may exercise their respective powers concurrently or conjunctively.

(5) The Minister may, in making any regulations under this section, provide that any contravention of any of the provisions of such regulations is an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both.

Adoption of codes and standards

79.—(1) Any regulations made under section 78 may adopt wholly or partially, or as amended by the regulations or by reference, any code, standard, rule, specification or provision which relates to any matter with which the regulations deal and which —

- (a) is recommended, issued or adopted by any standards organisation or body (whether within or outside Singapore) approved by the Director-General; or
- (b) is considered by the Director-General to be appropriate for adoption for the purposes of this Act.

(2) The Director-General must cause a copy of every code, standard, rule, specification or provision adopted under subsection (1) to be made available for inspection by members of the public without charge at the office of the Agency during normal office hours.

(3) In any proceedings, a copy certified by the Director-General as a true copy of a code, standard, rule, specification or provision adopted under subsection (1) is evidence of the code, standard, rule, specification or provision so adopted.

Saving and transitional provisions in relation to Part 3

80. Any person who, immediately before 1 September 2013, was a registered supplier under the repealed Part XA of the Environmental Protection and Management Act 1999 is deemed to be a registered supplier under this Act.

THE SCHEDULE

Sections 71 and 76(1)

PERSONS TO WHOM INFORMATION MAY BE DISCLOSED

1. The Minister charged with responsibility for energy efficiency and conservation, and any public officer assisting the Minister in the performance of any official duties of that Minister.
2. The Minister charged with the responsibility for transport and any member, officer or employee of the sector regulators.
3. The Minister charged with responsibility for coordinating policies associated with climate change, and any public officer assisting the Minister in the performance of any official duties of that Minister.
4. Any member, officer or employee of the Agency.
5. Any member, officer or employee of the Energy Market Authority of Singapore established by the Energy Market Authority of Singapore Act 2001.
6. Any member, officer or employee of the Economic Development Board established by the Economic Development Board Act 1961.
7. Any member, officer or employee of the Public Utilities Board continued under section 3 of the Public Utilities Act 2001.
8. Any member, officer or employee of the Jurong Town Corporation established by the Jurong Town Corporation Act 1968.

[S 771/2021]

LEGISLATIVE HISTORY

ENERGY CONSERVATION ACT 2012

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 11 of 2012 — Energy Conservation Act 2012

Bill	:	8/2012
First Reading	:	8 March 2012
Second and Third Readings	:	9 April 2012
Commencement	:	1 July 2012 (Parts I and II, Divisions 1 and 3 of Part IV, sections 68 to 73, 75, 76, 80(2) and 82, the First Schedule and item 2(b) of the Second Schedule) 22 April 2013 (Divisions 2 and 3 of Part III and sections 64 to 67, 74, 77, 78 and 79) 1 September 2013 (Division 1 of Part III and sections 80(1) and 81) 1 January 2014 (Division 2 of Part IV)

2. 2014 Revised Edition — Energy Conservation Act (Chapter 92C)

Operation	:	31 May 2014
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3. Act 30 of 2015 — Bus Services Industry Act 2015 (Amendments made by section 51 of the above Act)

Bill	:	26/2015
First Reading	:	13 July 2015
Second and Third Readings	:	18 August 2015
Commencement	:	22 January 2016 (section 51)

4. Act 24 of 2017 — Energy Conservation (Amendment) Act 2017

Bill	:	17/2017
First Reading	:	9 March 2017
Second and Third Readings	:	3 April 2017
Commencement	:	1 January 2018

5. Act 23 of 2018 — Carbon Pricing Act 2018

(Amendments made by section 79 of the above Act)

Bill	:	17/2018
First Reading	:	2 March 2018
Second and Third Readings	:	20 March 2018
Commencement	:	1 January 2019 (section 79)

6. G.N. No. S 771/2021 — Energy Conservation Act (Amendment of Schedule) Order 2021

Commencement	:	12 October 2021
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7. 2020 Revised Edition — Energy Conservation Act 2012

Operation	:	31 December 2021
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8. Act 23 of 2023 — Building and Related Works (Miscellaneous Amendments) Act 2023

(Amendments made by the above Act)

Bill	:	19/2023
First Reading	:	9 May 2023
Second and Third Readings	:	4 July 2023
Commencement	:	18 December 2023

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE

ENERGY CONSERVATION ACT 2012

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2014 Ed.
—	15—(4) [<i>Deleted by Act 24 of 2017</i>]
15—(4)	(5)
—	23—(2) [<i>Deleted by Act 24 of 2017</i>]
23—(2)	(3)
(3)	(4)
(4)	(5)
—	27—(2) [<i>Deleted by Act 23 of 2018</i>]
—	(3) [<i>Deleted by Act 23 of 2018</i>]
27—(2)	(4)
—	30—(5) [<i>Deleted by Act 24 of 2017</i>]
30—(5)	(6)
35—(2)	35—(1A)
(3)	(1B)
(4)	(1C)
(5)	(2)
70—(2) and (3)	70—(2)
78—(3)	78—(2A)
(4)	(3)
(5)	(4)
80	80—(1)
[<i>Omitted as spent</i>]	(2)
[<i>Omitted as spent</i>]	(3)
[<i>Omitted as spent</i>]	(4)
[<i>Omitted as spent</i>]	(5)

2020 Ed.	2014 Ed.
[<i>Omitted as having had effect</i>]	(6)
[<i>Omitted as spent</i>]	81 —(1)
[<i>Omitted as spent</i>]	(2)
[<i>Omitted as spent</i>]	(3)
[<i>Omitted as spent</i>]	(4)
[<i>Omitted as spent</i>]	(5)
[<i>Omitted as spent</i>]	(6)