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The following Ordinances passed by the Dewan Undangan Negeri on 21st and 29th November, 2023, and assented to by Tuan Yang Terutama Yang di-Pertua Negeri on 12th December, 2023, are published pursuant to Article 26(3) of the Constitution of the State:

*Chapter No.*

*Short Title*

Chapter A209	...	Supply (2024) Ordinance, 2023
Chapter A210	...	Electricity (Amendment) Ordinance, 2023
Chapter A211	...	Distribution of Gas (Amendment) Ordinance, 2023





# **LAWS OF SARAWAK**

## **Chapter A209**

### **SUPPLY (2024) ORDINANCE, 2023**

## **SUPPLY (2024) ORDINANCE, 2023**

Date Passed by Dewan Undangan Negeri	...	...	...	...	...	...	29th November, 2023
Date of Assent	...	...	...	...			12th December, 2023
Date of Publication in <i>Gazette</i>	...						21st December, 2023

## LAWS OF SARAWAK

## Chapter A209

## SUPPLY (2024) ORDINANCE, 2023

*An Ordinance to apply a sum out of the Consolidated Fund for the service of the year 2024.*

[ ]

Enacted by the Legislature of Sarawak—

**Short title and commencement**

1. This Ordinance may be cited as the Supply (2024) Ordinance, 2023, and shall come into operation on the 1st day of January, 2024.

**Issue and appropriation for service of the year 2024**

2.—(1) The issue of a sum not exceeding Ringgit Malaysia Twelve Billion One Hundred Seventy-Three Million Three Hundred Ninety-Nine Thousand Four Hundred and Eighty only (RM12,173,399,480) out of the Consolidated Fund for the service of the year 2024 is authorized.

(2) That sum is appropriated for the purposes specified in the Schedule.

*SCHEDULE*

<i>Head No.</i>	<i>Title</i>	<i>Amount</i>
		RM
B.001	Contributions to Statutory Funds ... ..	7,800,000,000
B.002	Administration (General) ... ..	91,067,569
B.003	Public Works Recurrent ... ..	168,000,000
B.004	Local Authorities ... ..	136,860,852
B.005	Council of the City of Kuching South ... ..	31,733,645
B.006	Commission of the City of Kuching North ... ..	66,011,510
B.101	Ministry of Finance and New Economy ... ..	246,101
B.102	Ministry of Infrastructure and Port Development ... ..	8,891,211
B.103	Ministry of Natural Resources and Urban Development ... ..	88,405,349

<i>Head No.</i>	<i>Title</i>	<i>Amount RM</i>
B.104	Ministry of Food Industry, Commodity and Regional Development ... ..	19,096,773
B.106	Ministry of Public Health, Housing and Local Government ... ..	74,362,630
B.107	Ministry of International Trade, Industry and Investment ... ..	21,543,580
B.108	Ministry of Tourism, Creative Industry and Performing Arts ... ..	113,536,894
B.109	Ministry of Utilities and Telecommunication ... ..	173,100,140
B.110	Ministry of Women, Early Childhood and Community Wellbeing Development ... ..	71,278,949
B.112	Ministry of Education, Innovation and Talent Development ... ..	111,418,826
B.113	Ministry of Youth, Sports and Entrepreneur Development ... ..	159,141,923
B.114	Ministry of Transport ... ..	89,896,706
B.115	Ministry of Energy and Environmental Sustainability ... ..	32,077,000
B.201	Yang di-Pertua Negeri's Office ... ..	26,333,627
B.202	Legislature ... ..	31,189,553
B.203	Public Service Commission ... ..	11,000,000
B.204	Department of the Premier of Sarawak ... ..	1,304,005,009
B.205	State Financial Secretary's Office ... ..	67,832,415
B.206	Economic Planning Unit Sarawak ... ..	26,904,586
B.207	State Treasury Department ... ..	31,000,000
B.208	Sarawak State Attorney-General's Chambers ... ..	8,500,000
B.209	Public Works Department ... ..	177,450,310
B.210	Forest Department ... ..	84,213,278
B.211	Land and Survey Department ... ..	170,755,574
B.212	Agriculture Department ... ..	108,098,693
B.213	Irrigation and Drainage Department ... ..	99,140,869
B.214	Museum Department ..... ..	44,981,939
B.215	Islamic Religious Department ... ..	60,410,000
B.216	Syariah Judiciary Department ... ..	16,100,000
B.217	State Social Welfare Department ... ..	115,334,564
B.218	Sewerage Services Department ... ..	15,136,867
B.219	State Mufti Department of Sarawak ... ..	6,661,576
B.220	Department of Women and Family ... ..	12,961,425
B.221	Rural Water Supply Department ... ..	371,885,781
B.222	Department of Veterinary Services ... ..	27,640,003
B.301	Administration (Kuching Division) ... ..	8,380,695

<i>Head No.</i>	<i>Title</i>	<i>Amount RM</i>
B.302	Administration (Sri Aman Division) ... ..	7,523,113
B.303	Administration (Sibu Division) ... ..	7,220,065
B.304	Administration (Miri Division) ... ..	11,687,211
B.305	Administration (Limbang Division) ... ..	6,817,139
B.306	Administration (Sarikei Division) ... ..	8,387,838
B.307	Administration (Kapit Division) ... ..	9,000,000
B.308	Administration (Samarahan Division) ... ..	8,714,915
B.309	Administration (Bintulu Division) ... ..	6,335,126
B.310	Administration (Mukah Division) ... ..	9,104,104
B.311	Administration (Betong Division) ... ..	9,747,614
B.312	Administration (Serian Division) ... ..	6,275,933
Total Supply Expenditure ... ..		<u>12,173,399,480</u>







# **LAWS OF SARAWAK**

## **Chapter A210**

### **ELECTRICITY (AMENDMENT) ORDINANCE, 2023**

## **ELECTRICITY (AMENDMENT) ORDINANCE, 2023**

Date Passed by Dewan Undangan Negeri	...	...	...	...	...	...	21st November, 2023
Date of Assent	...	...	...	...	...	...	12th December, 2023
Date of Publication in <i>Gazette</i>	...	...	...	...	...	...	21st December, 2023

## LAWS OF SARAWAK

## Chapter A210

**ELECTRICITY (AMENDMENT) ORDINANCE, 2023**

*An Ordinance to amend the Electricity Ordinance [Cap. 50].*

[ ]

Enacted by the Legislature of Sarawak –

**Short title and commencement**

1.—(1) This Ordinance may be cited as the **Electricity (Amendment) Ordinance, 2023**, and shall come into force on such date as the Minister may, by notification in the *gazette*, appoint.

(2) The Minister may appoint different dates for the coming into force of different parts or provisions of this Ordinance.

**Amendment to section 2**

2. Section 2 of the Electricity Ordinance *[Cap. 50]* (in this Ordinance referred to as “the Principal Ordinance”) is amended by—

(a) adding immediately after the definition of “area of supply” the following new definitions:

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

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

(b) substituting the definition of “danger” with the following new definition:

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

(c) adding immediately after the definition of “distribute” the following new definition—

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

(d) deleting the definition of “energy”;

(e) inserting the words “and solar power” after the words “electrical energy” at the end of the definition of “equipment”;

(f) substituting the definition of “generator” with the following new definition:

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

(g) substituting the words “and consuming apparatus” in line six after the words “supply line” with the words “system, consuming apparatus and solar photovoltaic system” in the definition for “installation”;

(h) substituting the words “or other erection” with the words “, structure or appurtenances” in the definition of “premises”;

(i) deleting the definition of “public lamp”;

(j) adding immediately after the definition of “public safety” the following new definitions:

““Sarawak Energy Berhad” includes any of its subsidiaries;

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

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

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

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

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

(a) is in excess of 5 megawatts; and

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

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

“State” means the State of Sarawak; and

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

**Amendment to section 2A**

3. Section 2A of the Principal Ordinance is deleted.

**Amendment to section 4**

4. Section 4 of the Principal Ordinance is amended by:

(a) deleting the words “in his absolute discretion,” in the proviso under subsection (3);

(b) substituting the number “5” to the words fifty in line two of subsection (5);

(c) inserting immediately the words “and the electricity is used within that premises” after the word “installation” in second line of subsection (5)(b); and

(d) substituting subsection (6) with the following new subsection (6):

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

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

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

(e) adding immediately after the new subsection (6) the following new subsections (7) and (8):

“(7) Any licence issued under this section shall contain such terms and conditions as stipulated in the rules made under section 36 and such other terms and conditions

as the Majlis Mesyuarat Kerajaan Negeri may deems fit to impose.

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

#### **Amendment to section 4A**

5. Section 4A of the Principal Ordinance is amended by:

(a) substituting subsection (3) with the new following subsection (3):

“(3) Notwithstanding subsection (2), a licensee may enter into a special agreement with any other licensee or any person pursuant to section 27B for the supply and purchase of electricity, and in such case, the tariffs stipulated in the special agreement shall apply.”; and

(b) adding the following new subsection (6):

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

#### **Amendment to section 4C**

6. Section 4C of the Principal Ordinance is amended by inserting immediately after the word “electricity” in the second line of subsection (1), the words “, whether under a special agreement or otherwise,”.

#### **Amendment to section 4F**

7. Section 4F is amended by inserting after the word “river” in paragraph (a), the words “, regulating water flow or the impounding of

water in any river for hydro station or installation including cascading hydro station or installation”.

**Amendment to section 4G**

8. Section 4G of the Principal Ordinance is amended by:

- (a) re-numbering section 4G as section 4H; and
- (b) inserting immediately after section 4F, the following new section 4G:-

**“Special provisions relating to solar power**

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

Provided that—

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

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

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

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

(b) wholly for sale to the single buyer,  
without a licence issued by the Majlis Mesyuarat Kerajaan Negeri in accordance with the terms and conditions prescribed in the rules made under section 36.

(3)(a) Any person shall apply for licence under subsection (2) to the Director in accordance with the



procedures prescribed in the Electricity Rules, 1999 *[Swk. L.N. 84/99]* and shall submit in support of the application, the following:-

- (i) details of the solar PV system to be installed;
- (ii) plan of the system for conveying or dispatch of the solar power to a supply line system of the single buyer;
- (iii) a copy of an agreement entered into between the applicant and the single buyer; and
- (iv) such other particulars as may be required by the Director.

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

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

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

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

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

**Amendment to section 6**

9. Section 6 of the Principal Ordinance is amended by:

(a) substituting the word “he” in line two of subsection (1) with the word “it”; and

(b) substituting the words “with an order issued under section 9, or in default of payment of any moneys accrued due under them, or if the licensee ceases to work or operate the installation in respect of which the license has been granted” appearing after the words “comply” in the third line of subsection (2) with the words “with any provisions under this Ordinance”.

**Amendment to section 8**

9. Section 8(4) of the Principal Ordinance is amended by substituting the words “punishable under section 33(10)” with the word “punishable under section 33(11)”.

**Amendment to section 11**

10. Section 11(4) of the Principal Ordinance is amended by substituting the word “he” in line three with the word “it”.

**Amendment to section 13**

11. Section 13 of the Principal Ordinance is amended by:

(a) inserting immediately after the word “Inspector” the words “or an authorized agent” in subsection (1); and

(b) inserting immediately after the word “Inspector” in lines one and five of subsection (2), the words “or an authorized agent” respectively.

**Amendment to section 14**

11. Section 14(1) of the Principal Ordinance is amended by:

(a) inserting after the word “safety” in line three thereof the words “or endanger or disrupt the supply of electricity to any consumer”; and

(b) substituting for the words “by the quickest means available” in line six thereof with the word “forthwith”.

#### **Amendment to section 15**

12. Section 15 of the Principal Ordinance is amended by inserting immediately after the word “Inspector” in the second line the words “or an authorized person”.

#### **Amendment to section 16**

13. Section 16 of the Principal Ordinance is amended by:

(a) substituting the marginal note with the following new marginal note:

**“Authority to enter and occupy land to establish installation”**

(b) substituting subsections (1) and (2) with the following new subsections (1) and (2):

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

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

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

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

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

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

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

(2) The notice required to be given under subsection 1(b) shall state as fully and accurately the nature and extent of the acts or activity to be undertaken by the authorized licensee on the land and inform the owner or occupier that he has the right to seek compensation for the loss or damage to his land, buildings and appurtenances on the land, and that such compensation will be assessed by the Superintendent.”

(c) to delete the words “either verbally or” in line four of subsection (4);

(d) by substituting subsection (7) with the following new subsection (7):

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

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

(b) make recommendation to the Minister charged with the responsibility for land to acquire such

land or part thereof under the relevant provisions of the Land Code [*Cap. 81 (1958 Ed.)*] or to undertake such measures as may be necessary or expedient to enable the acts or activities mentioned in the notice to be undertaken in the public interests.”; and

(e) by adding the following new subsection (8):

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

#### **Amendment to section 17**

**14.** Section 17 of the Principal Ordinance is amended by:

(a) substituting the word “and” with comma and inserting the words “and upgrade” after the word “repair” in the marginal note;

(b) substituting the word “or” after the word “maintaining” in the second line with a comma;

(c) inserting immediately, after the word “repairing” in the second line with the words “or upgrading”;

(d) substituting the comma in paragraph (c) with a colon; and

(e) substituting the paragraphs in line eleven to fourteen after subsection (c) with the following proviso:

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

#### **New section 18A**

**15.** The Principal Ordinance is amended by adding immediately after section 18 the following new section 18A:

**“Right of way for supply line**

**18A.—(1)** Notwithstanding sections 16 and 18—

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

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

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

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

**Amendment to section 19**

**16.** Section 19 of the Principal Ordinance shall be substituted by the following new section 19:-

**“Appeal**

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

**Amendment to section 21**

17. Section 21 of the Principal Ordinance shall be substituted by the following new section 21:

**“Compensation**

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

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

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

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

**Amendment to section 22**

18. Section 22 of the Principal Ordinance is amended by:

- (a) deleting the comma after the word “supply line” in line seven of subsection (2);
- (b) deleting the words “subject to conditions which, failing agreement between the parties, may be determined by the Yang di-Pertua Negeri” at the end of sentence in subsection (2); and
- (c) inserting the following new subsection (3):
  - “(3) The reasonable cost of all work required to be done pursuant to subsection (2) shall be paid by the person that requires the work done.”.

#### **Amendment to Section 25**

**19.** Section 25 of the Principal Ordinance is amended by:

- (a) substituting the word “fifty” with the words “five thousand” whenever it appears; and
- (b) deleting the marginal note of subsection (2).

#### **Amendment to Section 27**

**20.** Section 27 of the Principal Ordinance is substituted by the following new section 27:

##### **“Entitlement to supply of electricity**

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

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

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



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

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

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

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

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

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

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

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

**New sections 27A and 27B**

**21.** The Principal Ordinance is amended by adding immediately after section 27 the following new sections:

**“Supply Agreement with consumer**

**27A.—(1)** A person who requested for a supply of electricity from the licensee after the date of coming into operation of this Ordinance shall enter into an agreement with the licensee for the supply of electricity on such terms and conditions as may be specified in the agreement before the electricity is supplied.

(2) An agreement referred to in subsection (1) shall be in the form and substance as approved by the Director and at the tariff fixed pursuant to section 4A(1).

**Special agreement with respect to supply**

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

(2) Where any agreement made pursuant to subsection (1) remains effective, the rights and liabilities of the parties to the agreement shall be governed by such agreement.

(3) Notwithstanding subsection (2), section 27(1) shall however apply for the purposes of specifying the day on which the supply of electricity is required to commence and the day on which such an agreement ceases to be effective.

(4) Any agreement made between licensees under subsection (1), if the single buyer is not a party thereto, shall, after consultation with the single buyer, may be approved by Majlis Mesyuarat Kerajaan Negeri.”

**Amendment to section 29**

**22.** Section 29 of the Principal Ordinance is amended by:

(a) deleting the word “or” after the words “meter reading” in subsection (1)(d); and

(b) adding immediately after subsection (1)(e) the following new paragraphs (f), (g), (h) and (i):

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

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

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

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

**Amendment to section 32**

**23.** Section 32 of the Principal Ordinance is amended by:

(a) substituting the word “the” in line two in subsection (1), with the word “its”;

(b) substituting the words “conferred on him by” in line two in subsection (1) with the word “under”; and

(c) substituting the word “he” in line three in subsection (1), with the word “it”.

**Amendment to section 32A**

**24.** Section 32A of the Principal Ordinance is substituted with the following new section 32A:

**“Power of investigation**

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

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

**Amendment to section 32B**

**25.** Section 32B of the Principal Ordinance is amended by:

(a) inserting immediately after the word “Inspector” in the first line of subsection (1) the words “or a police officer or an authorized person”.

(b) substituting subsection (3) with the following new subsection (3):

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

(c) adding immediately after subsection (6), the following new subsection (7):

“(7) Where there is reason to believe that an offence under this Ordinance has been committed by a person who

is unknown or cannot be found, all property seized in respect of the offence shall be taken possession of by the Director or the authorized person who shall report the seizure to a Magistrate, and the Magistrate shall deal with the property as if it were the subject of a report to him under section 413 of the Criminal Procedure Code [*Act 593*].”

**Amendment to section 32C**

**26.** Section 32C of the Principal Ordinance is amended by:

- (a) inserting the words “or licensee or authorized agent” after the words “authorized person” in subsections (a) and (b) respectively; and
- (b) substituting the word “five” with the word “fifty”.

**Amendment to section 33**

**27.** Section 33 of the Principal Ordinance is amended by:

- (a) substituting the words “imprisonment for five years with or without a fine” with the words “not exceeding one million ringgit or to imprisonment not exceeding ten years, or to both.” in subsection (3);
- (b) substituting the word “one” with the words “not exceeding two” in subsection (5);
- (c) renumbering subsections (10) and (11) as subsections (11) and (12) respectively; and
- (d) adding a new subsection (10) as follows:

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

**Amendment to section 34B**

**28.** Section 34B of the Principal Ordinance is substituted with the following new section 34B:

**“Compounding of offences**

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

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

**New Section 35A**

**29.** The Principal Ordinance is amended by inserting immediately after section 35 the following new section 35A:

**“Directives for reduction of emission of greenhouse gases**

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

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

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

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

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

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

**Amendment to section 36**

**30.** Section 36(1) of the Principal Ordinance is amended by:

- (a) deleting the word “and” at the end of paragraph (u);
- (b) substituting the fullstop at the end of paragraph (v) with a semi colon;
- (c) adding after paragraph (v) the following new paragraphs (w), (x), (y) and (z):

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

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

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

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

**Amendment to the words “Yang di-Pertua Negeri”**

**31.** The Principal Ordinance is amended by substituting the words “Yang di-Pertua Negeri” with the words “Majlis Mesyuarat Kerajaan Negeri” whenever it appears.







# **LAWS OF SARAWAK**

## **Chapter A211**

### **DISTRIBUTION OF GAS (AMENDMENT) ORDINANCE, 2023**

## **DISTRIBUTION OF GAS (AMENDMENT) ORDINANCE, 2023**

Date Passed by Dewan Undangan Negeri	... ..	21st November, 2023
Date of Assent	... ..	12th December, 2023
Date of Publication in <i>Gazette</i>	...	21st December, 2023

## LAWS OF SARAWAK

## Chapter A211

**DISTRIBUTION OF GAS (AMENDMENT) ORDINANCE, 2023**

An Ordinance to amend the Distribution of Gas Ordinance, 2016  
[*Cap. 72*].

[ ]

Enacted by the Legislature of Sarawak –

**Short title and commencement**

1.—(1) This Ordinance may be cited as the Distribution of Gas (Amendment) Ordinance, 2023, and shall come into force on such dates as the Minister may, by notification in the *Gazette*, appoint.

(2) The Minister may appoint different dates for the coming into force of different parts or provisions of this Ordinance.

**Amendment to section 2**

2. Section 2 of the Distribution of Gas Ordinance, 2016 [*Cap. 72*] (in this Ordinance referred to as “the Principal Ordinance”) is amended by adding immediately after the definition of “gas” the following new definition of “gas aggregator”:

““gas aggregator” means a person appointed under section 7A to procure natural gas for distribution or supply to any person, plant, entity or premises and to develop, expand and maintain gas distribution network and system in Sarawak;”

**Amendment to section 7**

3. Section 7 of the Principal Ordinance is amended by inserting immediately after the word “person” in line one thereof, the words “, except a gas aggregator appointed under section 7A(1),”.

**New Section 7A**

4. The Principal Ordinance is amended by adding immediately after section 7, the following new section 7A:

**“Appointment of a Gas Aggregator**

7A.—(1) Majlis Mesyuarat Kerajaan Negeri may, by Order published in the *Gazette*, appoint any person as an aggregator of gas in Sarawak for such period and subject to such conditions or restrictions as may be stipulated in the Order.

(2) A gas aggregator shall develop and maintain an efficient, coordinated and economic system of gas distribution and supply in Sarawak in accordance with directions issued to him from time to time by the Director and, without prejudice to the foregoing:

(a) manage the procurement of natural gas for distribution and supply to any person, plant, facility and premises in Sarawak;

(b) develop, expand, manage and maintain gas distribution network and system including, but not limited to pipelines, terminals for receiving gas, processing plants and storage facilities; and

(c) carry out such other functions related to the distribution of gas in Sarawak as the Majlis Mesyuarat Kerajaan Negeri may direct in writing.

(3) A gas aggregator shall, in the discharge of its functions specified in subsection (2):

(a) comply with the provisions of this Ordinance and Regulations made thereunder and any directive, not inconsistent with the provisions of this Ordinance, issued by the Director, from time to time, relating to the distribution and supply of gas in Sarawak;

(b) ensure non-discriminatory conduct in the distribution and supply of gas and optimal efficiency and

safety in the management and operation of the gas distribution and supply network and system;

(c) ensure adequate supply of gas to meet the demand for gas for industrial, commercial and domestic use;

(d) levy tariffs for gas supplied as may be approved by Majlis Mesyuarat Kerajaan Negeri pursuant to section 12;

(e) consult the Director, in the planning, expansion and improvement of the gas distribution network and system in Sarawak; and

(f) ensure adequate supply of gas to the industries identified in writing by the Director from time to time.

(4) In the discharge of its functions and duties, a gas aggregator shall have all the powers, rights and obligations conferred on a licensee by Part IV of this Ordinance, and where applicable, any reference in this Ordinance to “licensee” shall be deemed to refer to the gas aggregator.”

### **Amendment to section 23**

5. Section 23 of the Principal Ordinance is amended by adding immediately after subsection (4), the following new subsections (5) and (6):

“(5) Whenever any person who is arrested under this section and the investigation cannot be completed within the period of twenty-four hours and there are reasonable grounds for believing that the accusation or information against him is well-founded, the investigating officer investigating the case under this section may deliver him to the nearest police station to be released on a bond or police bail or to be detained thereat pending arrangement to produce the person before a court of competent jurisdiction.

(6) Where a person is brought before a Court under subsection (5), the investigating officer shall comply with section 117(1) of the Criminal Procedure Code *[Act 593]* and the Court

shall have the powers over that person as are provided in section 117(2) of that Code.”

### **New Section 23A**

6. The Principal Ordinance is amended by adding immediately after section 23, the following new section 23A:

#### **“Seizure of property when offender cannot be found**

**23A.**—(1) Where there is reason to believe that an offence under this Ordinance has been committed by a person who is unknown or cannot be found, any thing or property seized under section 23 in respect of the offence shall be taken possession of by the authorized officer who shall report the seizure to a Magistrate, and the Magistrate shall deal with the thing or property as if it were the subject of a report to him under section 413 of the Criminal Procedure Code [*Act 593*].

(2) If there be no prosecution with regard to any thing or property seized under this Ordinance, such thing or property shall be taken and deemed to be forfeited at the expiry of one calendar month from the date of seizure unless before that date a claim thereto is made in the following manner:

(a) any person asserting that he is the owner of such thing or property and that it is not liable to forfeiture may personally or by his agent authorized in writing give written notice to the authorized officer or police officer in whose possession such thing or property is held that he claims the same;

(b) upon receipt of such notice, the authorized officer or police officer, as the case may be, shall, unless the investigation into the offence is still pending, refer the claim to a Magistrate for decision;

(c) the Magistrate to whom the claim is referred shall issue a summons requiring the claimant to appear before him and upon his appearance or default to appear, the Magistrate shall proceed to the examination of the claim

and, on proof that an offence has been committed and that such thing or property was the subject matter of or was used in the commission of such offence, shall order the same to be forfeited or may in the absence of such proof, order its release;

(d) any thing or property forfeited or deemed to be forfeited shall be delivered to the authorized officer and shall be disposed of in accordance with the direction of the Director; and

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

(3) Where any thing or property has been seized under this Ordinance, an authorized officer may, subject to terms and conditions as the Director deems fit to impose, temporarily release such thing or property to the owner upon application and on security (as assessed by the Director) being furnished that such thing or property shall be surrendered to him on demand or to produce it before a court of competent jurisdiction.

(4) Where such owner fails to surrender the thing or property seized on demand by such authorized officer, or fails to produce it before a court of competent jurisdiction in accordance with subsection (2), he shall be guilty of an offence and shall, upon conviction, be punished with a fine of not less than twenty thousand ringgit or ten times the value of the thing or property so seized, whichever is greater, or imprisonment not exceeding two years, or to both.”

### **Amendment of section 32**

7. Section 32 of the Principal Ordinance is amended by adding immediately after paragraph (h), the following new paragraph (i):

“(i) any thing which requires to be prescribed or provided for as may be necessary or expedient for giving full effect to the provisions of this Ordinance.”

