



# LAWS OF SARAWAK

REPRINT

## Chapter 19

### **SARAWAK GAS SUPPLY SERVICES (OPERATING COMPANY) ORDINANCE, 1995**

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**SARAWAK GAS SUPPLY SERVICES  
(OPERATING COMPANY) ORDINANCE, 1995**

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Sarawak Lawnet

**LAWS OF SARAWAK**

**Chapter 19**

**SARAWAK GAS SUPPLY SERVICES  
(OPERATING COMPANY) ORDINANCE, 1995**

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**LAWS OF SARAWAK**

**Chapter 19**

**SARAWAK GAS SUPPLY SERVICES  
(OPERATING COMPANY) ORDINANCE, 1995**

*An Ordinance to regulate the distribution and supply of gas to consumers by pipelines, to provide for the vesting of property, rights and liabilities of the State Government of Sarawak relating to gas supplies in a company, to make financial arrangements for that company, and for matters incidental thereto or connected therewith.*

[Parts I, II & III—1st September, 1995]

[Parts IV & V

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Enacted by the Legislature of Sarawak—

**PART I**

**PRELIMINARY**

**Short title, commencement and application**

1.—(1) This Ordinance may be cited as the Sarawak Gas Supply Services (Operating Company) Ordinance, 1995, and shall, subject to subsection (2), come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) Parts I, II and III of this Ordinance shall be deemed to have come into force on the 1st day of September, 1995.

(3) This Ordinance shall apply to the supply of gas to consumers in Sarawak through pipelines—

(a) downstream of the last flange of the station with gas measurement and pressure regulating facilities where gas is received directly from the outlet of a gas processing plant; or

(b) from the storage tank or cylinder specifically used for reticulation of gas to any apparatus in any premises.

(4) Nothing in this Ordinance shall apply to or affect the supply and distribution of gas in Sarawak by Petroleum Nasional Berhad or PETRONAS under the Petroleum Development Act 1974 [Act 144].

### Interpretation

2.—(1) In this Ordinance—

“appropriate authority” means such authority as the Yang di-Pertua Negeri may, by notification in the *Gazette*, appoint to manage and supervise the supply of gas in Sarawak in accordance with the provisions of this Ordinance;

“competent person” means any person to whom a certificate of competency is issued by the appropriate authority or pursuant to any other written law to install, construct, maintain or repair pipelines and installations relating to the supply of gas;

“consumer” means a person who is supplied with gas or whose premises are for the time being connected for the purpose of supply of gas by the operating company;

“Corporation” means the State Financial Secretary incorporated by the State Financial Secretary (Incorporation) Ordinance [Cap. 103 (1958 Ed.)];

“danger” means danger to health or to human life or limb from shock, burn, or other injury and includes danger to property, pipeline or installation resulting from the transmission, distribution or utilization of gas;

“gas” means methane, ethane, propane, butane or hydrocarbons which may consist of one or more of the aforesaid gases, either in the form of gas or liquid;

“Government” means the State Government of Sarawak;

“installation” means all parts of those physical facilities involving the delivery, transportation, distribution or utilization of gas through pipelines including any machine, equipment, apparatus, pump, valve, compressor, meter, regulator, any appurtenance attached to pipelines and any other assembly;

“land” shall have the same meaning as that assigned to that term by the Land Code [*Cap. 81 (1958 Ed.)*];

“liabilities” means liabilities, debts, charges, duties and obligations of every description (whether present or future, actual or contingent, and whether payable or to be observed or performed in Malaysia or elsewhere);

“Minister” means the Minister in the Government for the time being charged with the responsibility for public utilities in Sarawak;

“operating company” shall mean the Sarawak Gas Distribution Sdn. Bhd., a company incorporated under the Companies Act 1965 [*Act 125*], and formed initially as wholly owned subsidiary of the Sarawak Electricity Supply Corporation, and includes any other person or party authorized under section 7(2) to supply gas in Sarawak;

“pipelines” means all parts of those physical facilities through which gas moves in the process of its conveyance or transportation;

“property” includes all property, movable or immovable, and all land, estates, interests, easements and rights, whether equitable or legal, in, to or out of property, choses-in-action, money and goodwill; and “vested”, in relation to property, includes rights to property which are future or contingent and rights in reversion and remainder;

“Registrar” means a Registrar appointed under section 3 of the Land Code [*Cap. 81 (1958 Ed.)*];

“rights” means all rights, powers, privileges and immunities, whether actual, contingent or prospective;

“Sarawak Electricity Supply Corporation” or “SESCO” refers to the body corporate established under section 3 of the repealed Sarawak Electricity Supply Corporation Ordinance, 1962 [*Cap. 51*], or its successor or any company or corporation\* to whom its assets, liabilities and undertakings are to be transferred or assigned by any written law or otherwise;

“Superintendent” means a person appointed under section 3 of the Land Code to discharge the duties of a Superintendent of Lands and Surveys under the provisions of that Code;

“supply of gas” means the delivery, transportation, distribution or reticulation of gas through pipelines, and includes the storage of gas for such purposes;

“vesting date” means the date on which all the property, rights and liabilities of the Government which are connected with gas installation or pipelines at present existing or hereinafter laid, are transferred to and vested in the operating company as specified by the Minister from time to time in the order under section 3(1).

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

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\* Syarikat SESCO Berhad [*Swk. L.N. 21/2005*]

PART II  
VESTING OF PROPERTY, *ETC.*, IN OPERATING  
COMPANY AND ITS STATUTORY FUNCTIONS

**Vesting provisions**

3.—(1) Subject to this Ordinance, the Minister may, by order published in the *Gazette*, appoint a date on which all the property, rights or liabilities of or belonging to the Government relating to supply of gas within any area in Sarawak stipulated by the Minister in such order shall be transferred to and vested in the operating company without any further conveyance, assignment or transfer whatsoever.

(2) Every property vested by subsection (1) in the operating company shall be so vested in the operating company for the like title, estate or interest and on the like tenure as the same was vested or held immediately before the vesting date.

(3) Every property vested by virtue of subsection (1) in the operating company may, on or after the vesting date, be sued on, recovered or enforced by or against the operating company in its own name and it shall not be necessary for the operating company or the Government to give notice to the person bound by the property of the vesting effected by subsection (1).

(4) Any pending legal proceedings by or against the Government which relate to any property, rights or liabilities transferred to and vested in the operating company by virtue of subsection (1) may on and after the vesting date be continued by or against the operating company.

(5) In the case of rights and liabilities arising under any loans which vest in the operating company on the vesting date, the operating company may enter into such arrangements or agreements over such rights and liabilities with the Government or any third party.

(6) Where by the operation of subsection (1), any land is vested in the operating company, the provisions in section 171 of the Land Code [*Cap. 81 (1958 Ed.)*] shall apply for the purpose of effecting the registration of such vesting.

(7) On and after the vesting date, any agreement relating to any property, rights and liabilities transferred to and vested in the operating company under subsection (1) to which the Government was a party immediately before the vesting date, whether in writing or not, and whether or not of such a nature that the property, rights and liabilities thereunder could be assigned by the Government, shall have effect as if the operating company had been a party to the agreement.

#### **Authority of operating company to supply gas**

4.—(1) The operating company shall undertake the supply of gas to consumers in accordance with the authorization, directions, instructions and guidelines issued by the appropriate authority, and in accordance with the provisions of any other written laws for the time being in force relating to the supply of gas in Sarawak.

(2) The period during which the operating company shall undertake the supply of gas shall be determined by the appropriate authority in consultation with the Minister.

(3) Without prejudice to the generality of subsection (2), the appropriate authority shall, with the approval of the Minister, stipulate by direction in writing to the operating company:

(a) the limits of the area where the operating company may undertake the supply of gas;

(b) the rates or tariffs to be charged;

(c) the fees or other contributions to be paid by the operating company to the Government;

(d) the technical specifications for the pipelines and other installations to ensure minimum standards of safety that the operating company shall comply with; and

(e) such other conditions as may appear to be requisite or expedient pursuant to subsection (2).

(4) The appropriate authority may, in consultation with the Minister, amend, vary or alter any authorization, direction, instruction or guideline issued under this section.

#### **Paid-up capital of operating company**

5.—(1) The authorized and paid-up capital of the operating company shall be fixed by the operating company with the consent of the Minister.

(2) The shares in the operating company shall be held by—

(a) the Corporation for and on behalf of the Government;

(b) SESCO; and

(c) such other parties as may be approved by the Majlis Mesyuarat Kerajaan Negeri,

in such proportion as shall be determined by the Majlis Mesyuarat Kerajaan Negeri.

(3) Upon the transfer of the properties and assets of the Government to the operating company, the operating company shall issue to the Corporation shares at its nominal value which will equal to the value of such assets transferred to the operating company, provided always that the Corporation may, with the approval of the Majlis Mesyuarat Kerajaan Negeri, transfer such shares to any other party approved by the Majlis Mesyuarat Kerajaan Negeri.

(4) The management and administration of the operating company shall be governed by an agreement between the Government and the operating company.

(5) Without prejudice to the generality of subsection (4), the agreement between the Government and the operating company shall incorporate the following specific terms and conditions:

(a) the appointment by the Government, of two members of the Board of Directors of the operating company so long as the Government retains ten (10) per centum of the issued shares in the operating company;

(b) certain decisions of the operating company including the appointment of its Chief Executive Officer, shall not be made by the operating company without the approval of the Minister;

(c) the undertaking of any business by the operating company other than the supply of gas shall require the consent of the Minister; and

(d) the fees, royalty or other levies to be paid to the Government by the operating company during the duration of the period when the operating company is undertaking the supply of gas pursuant to the provisions of this Agreement.

**Operating company to comply with directions of the appropriate authority**

6. The operating company shall comply with the authorizations, directions, instructions and guidelines of the appropriate authority made or issued relating to the supply of gas within the area of supply stipulated under section 4(3)(a).

**Suspension and revocation of authority**

7.—(1) Any authority conferred on the operating company pursuant to section 4(1) to supply gas through pipelines in Sarawak may be suspended, revoked or terminated by the appropriate authority after consulting the Minister, if—

(a) there has been any breach of any of the provisions of this Ordinance or any regulations made hereunder;

(b) the operating company has registered the transfer of any shares without the expressed approval of the Majlis Mesyuarat Kerajaan Negeri;

(c) the operating company is insolvent, or a liquidator or receiver has been appointed for the operating company; or

(d) the operating company has, in the opinion of the appropriate authority, failed to undertake supply of gas to the satisfaction of the public in the area of supply.

(2) Upon such suspension, termination or revocation, the appropriate authority, with the approval of the Minister, may authorize any other person or party (in this section referred to as “the new supplier”) to undertake the supply of gas in the area of supply for such period as the appropriate authority, with the approval of the Minister, may deem fit and, subject to payment of compensation or fees as the appropriate authority may determine, the new supplier may use the pipelines and installation of the operating company to undertake the supply of gas, provided always that the new supplier shall also comply with the provisions of any written law applicable to the supply of gas in Sarawak.

(3) Any person who is aggrieved by any decision of the appropriate authority made under this section may, within thirty days of such a decision, lodge an appeal to the Yang di-Pertua Negeri.

(4) Any decision of the Yang di-Pertua Negeri made under this section shall be final and shall not be questioned or challenged in any court of law.

PART III

PROVISIONS AS TO SUPPLY OF GAS,  
ENTRY INTO LAND, *ETC.*

**Supply of gas**

8.—(1) Subject to the provisions of this Ordinance or any regulations made hereunder, the operating company shall, upon being required to do so by the owner or occupier of any premises, give and continue to give and supply gas to any premises which—

- (a) are situated within its area of supply within fifty metres from the supply mains of the operating company; or
- (b) are connected by a service pipe to any such mains,

and in the case of premises falling within paragraph (a) above, shall also provide and lay any pipe that may be necessary for that purpose.

(2) Subject to any regulations made hereunder, the operating company may, before undertaking the supply of gas to any premises, require the owner or occupier thereof to—

- (a) provide pipelines within the premises of a standard, type and quality approved by the operating company and installed by a competent person to receive the supply of gas thereto;
- (b) require him to give the operating company reasonable security for the payment of all moneys which may become due to the operating company in respect of the supply or, where any pipe fails to be provided and laid in pursuance of subsection (1), the provision and laying of the pipe;
- (c) require him to give the operating company reasonable security for the payment of all moneys which may be due to the operating company for the supply of gas to the premises; and
- (d) enter into agreement with the operating company pertaining to the supply of gas to the premises.

### **Prices to be charged for supply of gas**

9.—(1) The prices to be charged by the operating company for the supply of gas shall be in accordance with the tariffs (in this section referred to as “approved tariffs”) approved by the appropriate authority under section 4(3)(b).

(2) Notwithstanding the provisions of subsection (1), the operating company may, with the approval of the Minister, enter into special agreement with any consumer for the supply of gas to him on such tariffs and terms as may be specified in the agreement if the approved tariffs are not applicable or appropriate owing to special circumstances.

(3) The price of gas shall, in addition to the tariffs or the agreement referred to in subsection (2), include a rent for the meter installed by the operating company for the premises and any fee incurred in the replacement or substitution of any meter which has been damaged, proven faulty or tampered with.

### **Power to enter on and examine land**

10.—(1) Whenever it appears to the operating company that it will be necessary for the operating company to exercise the powers conferred upon the operating company by this Ordinance in respect of any land other than State land for the purpose of constructing any pipeline or installation or part thereof, the operating company or any person authorized by the operating company may, after giving not less than twenty-four hours’ notice to the owner or occupier thereof, if any, enter upon the land, survey and take levels and do any other acts necessary to ascertain the suitability of the land, in so far as the same may be possible without causing damage or disturbance.

(2) It shall be lawful for the operating company or any person authorized by the operating company, without notice and at any reasonable time, or, in the case of urgency, at any time, to enter into and upon any premises into or upon which any pipeline has been laid for the supply of gas—

(a) to inspect any pipeline and to ascertain whether there is any waste, leakage, obstruction, alteration, interference or damage to any pipeline or installation, and anything in connection therewith;

(b) to regulate, repair, alter, take up, re-lay, re-arrange, or otherwise deal with any pipeline or installation thereof;

(c) to ascertain the consumption; or

(d) to disconnect the pipeline or installation thereof, or to diminish, withhold or suspend, stop, turn off or divert the supply of gas to any premises through or by means of any pipelines, either wholly or in part.

(3) Nothing herein contained shall be deemed to authorize any person to cut down or clear away any vegetation or any fence or other erection or to enter into any building or upon any enclosure attached to any building.

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

11.—(1) Subject to as hereinafter provided, whenever it is necessary so to do for the purpose of installing any pipeline or installation for the supply of gas under this Ordinance, the operating company may lay, place or carry on, under or over any land, other than State land, such pipeline or installation as may be necessary or proper for the purposes of the discharging its functions under this Ordinance, and may take such other action as may be necessary to render the pipeline or installation safe and efficient, and shall, subject to regulations made under this Ordinance, pay such compensation as may be assessed by the Superintendent to all persons interested for any disturbance, damage or disability that may be caused thereby and such compensation may include an annual payment for land used for the purpose of the pipeline or installation.

(2) Before entering on any land for the purpose specified in subsection (1), the operating company shall give a notice stating as fully and accurately as possible the nature and extent of the acts intended to be done. The notice shall be substantially in the form set out in the First Schedule.

(3) The aforesaid notice shall be given—

(a) in the case of alienated land, to the owner or occupier;  
or

(b) in the case of State land, to the officer or any other person in charge of the State land or, in the absence of any such officer or person, to the Superintendent,

and may be sent by registered post or be left at the usual or last known address of abode of the person to whom it is to be given or served by the operating company or the Superintendent at the expense of the operating company, either in the manner hereinbefore provided or in the manner provided for the service of notices by any written law relating to land in force in the State where the land is situated.

(4) Any of the persons mentioned in subsection (3) may, within fourteen days of the receipt of the notice therein referred to, lodge an objection to the intended acts of the operating company. The objection may be made to the Superintendent either verbally or in writing, and the Superintendent shall give notice of the objection to the Minister for the time being having responsibility over land and to the operating company.

(5) If no objection is lodged within the time limited for that purpose by subsection (4), the operating company may forthwith enter on the land and do all or any of the acts specified in the notice given under subsection (2).

(6) If an objection is lodged and is not withdrawn before the date fixed for the hearing thereof, the Superintendent shall hold an inquiry, giving all parties an opportunity to be heard.

(7) Upon the conclusion of the inquiry, the Superintendent may, either unconditionally or subject to such terms, conditions and stipulations as he thinks fit, make an order authorizing or prohibiting any of the acts mentioned in the notice given under subsection (2). The order shall be substantially in the form set out in the Second Schedule:

Provided that any party who is dissatisfied with the order may within twenty-one days after being served with a copy of the order appeal against such an order to the Minister for the time being having responsibility over land who may then uphold, set aside or vary the order upon such terms, conditions and stipulations as he thinks fit.

(8) The Minister for the time being having responsibility over land may, if he thinks fit, in lieu of making an order under subsection (7), direct the acquisition of any land or part of any land included in a notice given under subsection (2).

(9) The decision of the Minister for the time being having responsibility over land under this section shall be final and shall not be challenged or questioned in any Court.

(10) Notwithstanding any written law relating to land matters, the Registrar—

(a) upon the production to him of the notice issued by the operating company under subsection (2) together with the statement by the Superintendent that no objection had been lodged by any of the persons mentioned in subsection (3); or

(b) upon the production to him of the original order made under subsection (7) and upon the deposit with him of a certified copy of such order,

shall cause to be made on the register relating to the land affected by the notice or order, as the case may be, a note of the existence of the rights under such notice or order.

**Maintenance, repair and upgrading of pipeline or installation**

**12.** Whenever it is necessary so to do for the purpose of maintaining, repairing or upgrading any pipeline or installation or part thereof, the operating company, or any person authorized by it in that behalf—

(a) may lay all pipelines including all other installations used or constructed for the supply of gas through, across or under any road or street, or any place laid out or intended for a street or road:

Provided that—

(i) as regards any road or street within a city, municipal or local authority area, the operating company shall first notify, except in the case of urgency, the city council, municipal council or local authority, as the case may be; or

(ii) in the case of any private road or street, the operating company shall give notice to the owner of such road or street and the appropriate authority; and

(iii) whenever any road or street, or any place laid out or intended for a road or street are opened or broken up in the execution of such works, the operating company shall, with all convenient speed, complete the work for which the same shall be opened or broken up, and reinstate and make good such road, street or place; and

(b) may at all reasonable times enter upon any land and may carry out all necessary repairs, and may, in the course thereof, remove vegetation and do all other things necessary to the said purpose, causing as little damage as possible,

and shall, subject to regulations made under this Ordinance, pay such compensation as may be assessed by the Superintendent, to all persons interested for any damage that may be caused thereby for which compensation has not already been made under section 11(1).

### **Removal or alteration of pipeline or installation**

**13.—**(1) Where any pipeline or installation has been installed on land under section 11, and if any of the persons mentioned in section 11(3) desires to use the land in such a manner as to render it necessary or convenient that the pipeline or installation should be removed to another part of the land, or to land at a higher or lower level, or be altered in form, he may require the operating company to remove or alter the pipeline or installation accordingly.

(2) If the operating company omits to comply with the requisition, the person may apply in writing to the Superintendent who may, in his discretion, after inquiring into all the facts of the case, reject the application or make an order, either absolutely or subject to certain conditions, for the removal or alteration of the pipeline or installation. The order shall provide for the payment of the cost of executing the removal or alteration by the operating company or by the person making the application, as the Superintendent may consider equitable in the circumstances of the case.

(3) Whenever the Superintendent has made an order for the removal or alteration of any pipeline or installation, the operating company may, instead of removing or altering the pipeline or installation, apply to the Minister for the time being having responsibility over land to direct the acquisition of such land as is required for the purposes of the pipeline or installation, and such Minister may direct the acquisition accordingly.

(4) Whenever the Minister for the time being having responsibility over land is authorized by this section to direct the acquisition of any land, the pipeline or installation shall be deemed to be a work for public purpose and the provisions of Part IV of the Land Code [*Cap. 81 (1958 Ed.)*] shall apply accordingly.

(5) Whenever a pipeline or installation has been installed on State land by the operating company and the land is subsequently alienated to any person, the owner or occupier of the land may, unless the terms of alienation expressly provide otherwise, require the removal of the pipeline or installation to another part of the land, or to land at a higher or lower level, or the alteration of the pipeline or installation, and subsections (1) to (3) shall apply to any such requisition:

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

#### **Wayleave agreements**

14. Nothing in section 11 or 13 shall affect the right of the operating company to enter into an agreement, commonly known as a wayleave agreement, with the owner or occupier of any land for the purpose of constructing a pipeline or installation on such land.

### **PART IV**

#### **OFFENCES AND PENALTIES**

#### **Offences and penalties**

15.—(1) Any person who by any wilful, dishonest or negligent act or omission extends, adjusts, alters, removes, destroys or damages any pipeline or installation or part thereof shall be guilty of an offence: Penalty, a fine of fifty thousand ringgit.

(2) Any person who by any dishonest, rash or negligent act or omission tampers with or damages any pipeline, installation or part thereof so as to cause or to be likely to cause injury to human life or limb or damage to any property shall be guilty of an offence: Penalty, a fine of one hundred thousand ringgit and imprisonment for five years.

(3) Any person who—

(a) causes any pipeline or installation or part thereof to be diverted from its proper course for the purpose of abstracting, consuming, using or wasting gas therefrom;

(b) dishonestly alters the index of any meter or other instrument used on or in connection with any pipeline or installation or part thereof belonging to the operating company or any other person for recording the output or consumption of gas;

(c) prevents any meter or other instrument from duly recording the output or consumption of gas;

(d) damages any meter or other instrument used on or in connection with any pipeline or installation or part thereof for recording the output or consumption of gas; or

(e) dishonestly abstracts or consumes or uses gas,

shall be guilty of an offence: Penalty, a fine of five thousand ringgit and imprisonment for two years.

(4) Any person who, without the lawful authority of the operating company, undertakes any work or engages in any activity in the vicinity of any gas pipeline or installation or part thereof in a manner likely to interfere with such pipeline or installation or part thereof, shall be guilty of an offence: Penalty, a fine of five thousand ringgit and imprisonment for two years.

### **General penalty**

16. Any person who by any act or omission contravenes any provision under this Ordinance or any regulations made hereunder shall be guilty of an offence: Penalty, if no penalty is expressly provided for such offence, a fine of fifty thousand ringgit and, in the case of a continuing offence, a fine of one thousand ringgit for every day or part of a day during which the offence continues after conviction.

### **Offences committed by body corporate**

17.—(1) Where a person convicted in respect of any offence under this Ordinance or any regulations made hereunder is a body corporate, it shall only be liable to the imposition of any fine provided therein.

(2) Where a person charged with an offence under this Ordinance or any regulations made hereunder is a body corporate, every person who at the time of the commission of the offence is a director or officer of the body corporate may be charged jointly in the same proceedings with the body corporate, and where the body corporate is convicted of the offence charged, every such director or officer shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he took reasonable precautions to prevent its commission.

(3) Any person who would be liable under this Ordinance or any regulations made hereunder to any penalty for anything done or omitted if the thing had been done or omitted by him personally shall be liable to the same penalty if the thing had been done or omitted by his agent, unless he proves that he took reasonable precautions to prevent the doing or omission of the thing.

**Onus of proof**

18. In any prosecution for an offence under section 15, proof of

(a) the existence of artificial means which, either alone or in conjunction with additional artificial means not found, could be used for altering, or facilitating the alteration, of the index of any meter or instrument used for registering the quantity of gas supplied;

(b) the existence of artificial means which, either alone or in conjunction with additional artificial means not found, would prevent, or facilitate the prevention of, any meter or instrument from duly registering the quantity of gas supplied, or would facilitate the dishonest abstraction, consumption, or use of gas; or

(c) (i) the fitting of any artificial, mechanical or any other part or connection to;

(ii) the absence or removal of any part or connection from;

or

(iii) the interference with any part or connection of, any apparatus in the circumstances that the fitting, absence, removal or interference would prevent or facilitate the prevention of any meter or other instrument from duly registering the quantity of gas supplied, or would facilitate the dishonest abstraction, consumption or use of gas,

shall be *prima facie* evidence that there has been dishonest alteration of the index of any meter or instrument, or prevention, abstraction, consumption or use of gas, as the case may be, and that the dishonest alteration, prevention, abstraction, consumption or use, as the case may be, has been carried out by—

- (A) the person fitting the artificial, mechanical or any other such part or connection as aforesaid;
- (B) the person removing any such part or connection as aforesaid;
- (C) the person interfering with any such part or connection as aforesaid;
- (D) the consumer using the meter or instrument;
- (E) the person having control of the pipeline or installation or part thereof where it is fixed; or
- (F) the occupiers of the premises on which the meter or instrument is installed.

**Prosecution**

19. Prosecution in respect of offences committed under this Ordinance or any regulations made hereunder may be conducted by any person authorized in that behalf by the appropriate authority.

### **Recovery of money due**

**20.—**(1) All moneys, other than penalties or fines, payable or recoverable under this Ordinance shall be recoverable at the suit of the operating company, together with interest thereon at a rate of eight per centum per year, and any judgment given or order made in any court thereon shall be enforced in the same manner as that in which any judgment or order may be enforced in any other action in such court.

(2) In any such action a certificate, purporting to be under the hand or seal of the operating company, that any sum of money is due to such operating company shall, until the contrary is proved, be evidence of such debt and of the non-payment thereof.

## **PART V**

### **POWER TO MAKE REGULATIONS**

#### **Power to make regulations**

**21.—**(1) The Yang di-Pertua Negeri may make regulations generally for the purpose of carrying out the provisions of this Ordinance, and in particular, such regulations may provide for—

- (a) the functions and duties of the appropriate authority;
- (b) the limits of variation of the composition, pressure and purity of the gas supplied;
- (c) the management of any pipeline or installation;
- (d) the method by which gas may be stored for purposes of distribution through pipelines;
- (e) the fees to be paid by the operating company to the Government under this Ordinance;
- (f) the issue of authorization by the appropriate authority to persons other than the operating company for the supply of gas in cases where the operating company is unable to do so;

(g) the measures to be taken and the equipment to be supplied and used in connection with pipelines and installations in order to secure public and private safety;

(h) the manner of service and the form of notices;

(i) the standard and methods for the construction of and the materials to be used for pipelines, installations, equipment or appliances;

(j) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any nuisance likely to arise or arising from the working of any pipeline, installation, equipment or appliances;

(k) the nature of training, examinations and tests before a certificate of competence is issued by the appropriate authority, the form of such certificates, the manner and issue thereof, the fees to be paid for such examination and certificates and the manner and circumstances in which the certificates may be modified, suspended or cancelled;

(l) the regulation of the operating company and consumer relationship such as provisions on the recovery of charges for gas supply, connection, disconnection or restoration of supply by the operating company, entry into any premises by the operating company or its authorized officers for purposes related to the supply, connection, disconnection or restoration of supply, entry for purposes of replacing, repairing or altering any pipeline, installation, equipment or appliance and the form of any notice required;

(m) the offences which may be compounded and the method and procedure for compounding such offences;

(n) the method and procedure for the investigation of any serious accident arising from supply of gas;

- (o) the prohibition and restriction of use and supply of gas;
- (p) the procedure for the review of compensation assessed by the Superintendent under section 11;
- (q) prescribing anything which is by this Ordinance to be prescribed by regulations; and
- (r) any other matter generally to give effect to the provisions of this Ordinance.

(2) Such regulations may provide that the contravention of any particular regulation shall constitute an offence, and may prescribe penalties for breach of the regulations not exceeding a fine of ten thousand ringgit and imprisonment for three years.

**FIRST SCHEDULE**

*(Section 11(2))*

THE SARAWAK GAS SUPPLY SERVICES (OPERATING COMPANY)  
ORDINANCE, 1995

*(Chapter 19)*

**NOTICE OF INTENTION TO ENTER AND DO WORK  
ON LAND UNDER SECTION 11**

To:

Title or other description of land .....  
(where appropriate a plan showing the land should be attached)

Take notice that we .....  
of ..... being duly authorized  
under the Sarawak Gas Supply Services (Operating Company)  
Ordinance, 1995, to supply gas under the said Ordinance, are  
desirous of entering the above mentioned land for the purpose  
of .....

.....  
(here set out as fully and accurately as possible what is intended to be done)

Within fourteen days from the date of receipt of this notice,  
you may lodge an objection either verbally or in writing with the  
Superintendent of Lands and Surveys at .....

Unless you lodge an objection within the specified time, it  
will be presumed that you have consented to our entering on the  
land on the terms of this notice.

You will be paid such compensation as may be assessed by  
the Superintendent of Lands and Surveys for any damage done.

Dated this ..... day of ....., 20.....

.....  
*Operating Company*

**SECOND SCHEDULE**

(Section 11(7))

THE SARAWAK GAS SUPPLY SERVICES (OPERATING COMPANY)  
ORDINANCE, 1995

(Chapter 19)

**ORDER OF THE SUPERINTENDENT OF LANDS AND  
SURVEYS IN RESPECT OF OBJECTION ON  
THE ENTRY ON LAND**

To:

In the matter of an inquiry held under section 11(6) of the Sarawak Gas Supply Services (Operating Company) Ordinance, 1995, between the operating company and the owner of the land situated at Lot No. ....  
Block No. .... District.....

An inquiry has been held on .....  
before ..... the Superintendent of Lands and  
Surveys ..... in the presence  
of ..... on behalf of the operating company  
and ..... on behalf of the land owner.

After holding the inquiry, it is hereby ordered as follows:

\*(a) the operating company is allowed to enter the said land to do the works as specified in the notice issued under section 11(2) of the Sarawak Gas Supply Services (Operating Company) Ordinance, 1995, subject to the following conditions:

- (i)
  - (ii)
  - (iii)
  - (iv)
- } There can be "NIL" conditions envisaged  
} in (a) above.  
(State the conditions)

\*(b) the operating company is not allowed to enter the said land to do the works specified in the notice issued under section 11(2) of the Sarawak Gas Supply Services (Operating Company) Ordinance, 1995.

Dated this ..... day of ....., 20.....

.....  
*Superintendent of Lands and  
Surveys,*  
..... *Division*

\*Delete whichever is not applicable.

**LAWS OF SARAWAK**  
**Chapter 19**  
**SARAWAK GAS SUPPLY SERVICES**  
**(OPERATING COMPANY) ORDINANCE, 1995**

LIST OF AMENDMENTS

Amending Law	Short Title	In force from
	-Nil-	

