

# Energy Transition Measures and Other Amendments Bill

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**Bill No. 27/2024.**

*Read the first time on 6 August 2024.*

A BILL

*intituled*

An Act to amend the Energy Market Authority of Singapore Act 2001, the Electricity Act 2001 and the Gas Act 2001.

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

## Short title and commencement

1. This Act is the Energy Transition Measures and Other Amendments Act 2024 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

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## PART 1

### AMENDMENT OF ENERGY MARKET AUTHORITY OF SINGAPORE ACT 2001

#### Amendment of section 2

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2. In the Energy Market Authority of Singapore Act 2001 (called in this Part the EMA Act), in section 2, after the definition of “energy utilities”, insert —

““Future Energy Fund” means the fund of that name established under section 19;”.

#### Amendment of section 5

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3. In the EMA Act, in section 5(1), replace paragraph (b) with —

“(b) 5 or more other members as the Minister may from time to time determine.”.

#### Amendment of section 6

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4. In the EMA Act, in section 6(1), after paragraph (f), insert —

“(fa) to manage and administer the Future Energy Fund in accordance with this Act subject to the directions of the Minister;”.

#### Amendment of section 15

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5. In the EMA Act, in section 15, after “its moneys”, insert “(including the moneys in the Future Energy Fund)”.

#### New sections 19, 19A and 19B

6.—(1) In the EMA Act, after section 18, insert —

## “Future Energy Fund

19.—(1) The Future Energy Fund is established consisting of —

- (a) all moneys from time to time appropriated from the Consolidated Fund or Development Fund and authorised to be paid into the Future Energy Fund by Supply law; 5
- (b) all moneys authorised by or under any other written law to be paid into the Future Energy Fund;
- (c) any gifts or donations made by any person for the purposes of the Future Energy Fund; and 10
- (d) all investments out of moneys in the Future Energy Fund authorised to be made by this Act and the proceeds of any such investment, including the net income from such investments. 15

(2) Upon the commencement of section 6(1) of the Energy Transition Measures and Other Amendments Act 2024, the Government must pay into the Future Energy Fund such sum as the Minister charged with the responsibility for finance may determine out of moneys provided by Parliament for the Future Energy Fund. 20

(3) For the purposes of subsection (1)(d), the net income from investments is the amount ascertained by adding to, or deducting from, the income received from investments of moneys in the Future Energy Fund, any gain derived or loss sustained, realised or unrealised (as the case may be) from such investments. 25

(4) Upon the dissolution of the Future Energy Fund during any term of office of the Government (within the meaning of the Constitution), the balance then remaining in that Fund must be transferred to the Consolidated Fund and added to the reserves of the Government not accumulated by it during that term of office. 30

## Purposes of Future Energy Fund

**19A.**—(1) The moneys in the Future Energy Fund may be withdrawn by the Authority only for the following purposes:

- 5 (a) for the Authority to carry on, or to provide or enable the provision of financial support in connection with or as a consequence of the carrying on of, any low-carbon energy project or energy supply security project;
- 10 (b) for the Authority to carry on any associated design, investigative and engineering studies, survey or research preparatory to the undertaking of any project in paragraph (a);
- 15 (c) to pay any of the following which is incurred or payable (as the case may be) for the purposes of any project in paragraph (a):
- (i) the costs incurred by the Collector of Land Revenue in the acquisition of any land under the Land Acquisition Act 1966;
  - 20 (ii) the compensation payable for the acquisition of any land under the Land Acquisition Act 1966;
- (d) to pay insurance premiums on —
- (i) capital equipment or other investments; and
  - (ii) land (including structures and installations),
- 25 constructed, improved, extended, replaced, acquired or leased using moneys from the Future Energy Fund;
- (e) to pay all amounts relating to the sale, disposal or write-off of any investments paid for with moneys from the Future Energy Fund;
- (f) to invest in accordance with section 15;
- 30 (g) to pay any expenses properly attributable to the setting up of the Future Energy Fund and the administration, management and investment of moneys in that Fund.

(2) Where a low-carbon energy project or an energy supply security project was commenced before the appointed date, the moneys in the Future Energy Fund may be withdrawn by the Authority for a purpose mentioned in subsection (1) in relation to the project only if, before the appointed date — 5

(a) any infrastructure or property constructed, improved, extended, replaced, acquired or leased under the project; or

(b) any transmission or distribution system improved or enhanced under the project, 10

is not in a position to be used to provide goods or services to any person.

(3) No investment paid for with moneys from the Future Energy Fund may be written-off by the Authority without the prior approval of the Minister. 15

(4) The moneys in the Future Energy Fund must not be withdrawn —

(a) for the purposes of land reclamation by or on behalf of the Government;

(b) to pay for any fuel used for the generation of any electricity; or 20

(c) to pay for any recurrent costs of any low-carbon energy project or energy supply security project.

(5) The moneys in the Future Energy Fund may be used, or used to provide or enable the provision of financial support, for a purpose mentioned in subsection (1), in an amount which, based on a reasonable estimation by the Authority, will not contravene subsection (4). 25

(6) In this section —

“appointed date” means the date of commencement of section 6(1) of the Energy Transition Measures and Other Amendments Act 2024; 30

“energy supply security project” means a project to ensure the security and reliability of any supply of energy utilities in Singapore, necessitated by any low-carbon energy project, including —

5           (a) the improvement or enhancement of any transmission or distribution system in Singapore; and

10           (b) the construction, improvement, extension, replacement, acquisition or leasing of any infrastructure or property (including the acquisition of any intellectual property), to provide power back-up in the event of any interruption in the import, generation, transmission or distribution of any electricity under the low-carbon energy project, including —

15                       (i) energy storage systems;

20                       (ii) fast-response generators (including diesel generators and gas engines) for generating electricity;

                      (iii) systems activating localised generators to reduce consumers’ electricity demand from any transmission system; and

                      (iv) combined-cycle gas turbines;

25           “greenhouse gas” has the meaning given by section 2(1) of the Carbon Pricing Act 2018;

“low-carbon electricity” means any electricity that is generated (whether in Singapore or elsewhere) using —

30           (a) energy from any renewable energy source; or

                      (b) any low-carbon fuel by which the emission of any greenhouse gas may be reduced or minimised when the fuel is used for the generation of electricity;

“low-carbon energy project” means a project (whether or not in Singapore) consisting of the construction, improvement, extension, replacement, acquisition or leasing of any infrastructure or property (including the acquisition of any intellectual property), to enable the carrying on of any of the following: 5

(a) the generation of low-carbon electricity (including the import, production, transportation and storage of any fuel used to generate such electricity) for supply to any person or premises in Singapore, or to persons or premises both in Singapore and outside Singapore, and the disposal, processing, storage or transportation of any waste produced in connection with the generation of low-carbon electricity; 10 15

(b) the use of any energy storage system for the purposes of the supply of any electricity to any person or premises in Singapore, or to persons or premises both in Singapore and outside Singapore; 20

(c) the disposal, processing, storage or transportation of emissions produced in connection with electricity that is not low-carbon electricity, generated for supply to any person or premises in Singapore, or to persons or premises both in Singapore and outside Singapore; 25

(d) the import into Singapore of any electricity generated outside Singapore, and the transmission and distribution of the electricity for supply to any person or premises in Singapore, or to persons or premises both in Singapore and outside Singapore; 30

“recurrent costs”, in relation to a low-carbon energy project or an energy supply security project, means any costs of 35

a recurring nature incurred or that would be incurred in the ongoing operations of the subject matter of the project in the provision of goods or services.

(7) The Minister may by order in the *Gazette* prescribe —

(a) what is or is not a low-carbon fuel for the purposes of paragraph (b) of the definition of “low-carbon electricity” in subsection (6), generally or for one or more periods of time; and

(b) what is or is not a cost of a recurring nature for the purposes of the definition of “recurrent costs” in subsection (6), generally or for one or more low-carbon energy projects or energy supply security projects.”.

(2) In the EMA Act, after section 19A (as inserted by subsection (1)), insert —

**“Recovery of costs for energy initiatives**

**19B.—**(1) This section applies where the Authority undertakes any energy initiative for any of the following purposes, whether by itself or through a person appointed by the Authority (called in this section appointed person):

(a) to ensure the security or reliability of the supply of any energy utilities;

(b) to improve or enhance the operation of any market or section of a market for any energy utilities;

(c) to lower carbon emissions in connection with the supply of any energy utilities.

(2) Regulations made under section 31 may provide for the imposition of any rate to recover the costs of the Authority or appointed person in undertaking any energy initiative, whether or not payable at the time the rate is imposed.

(3) Where a rate is to be imposed for any costs not yet payable, and which amounts are not yet determined, then, for the purpose of imposing the rate, the Authority may make a reasonable estimation of the amounts of the costs that will be incurred.



(4) Without affecting section 31, the regulations may make provision in relation to the payment and recovery of any rate, including —

- (a) the persons who must pay the rate, being any one or more of the following: 5
  - (i) any electricity licensee under the Electricity Act 2001, or any person exempted from the requirement of an electricity licence under that Act;
  - (ii) any gas licensee under the Gas Act 2001, or any person exempted from the requirement of a gas licence under that Act; 10
  - (iii) any licensee under the District Cooling Act 2001, or any person exempted from the requirement of a licence under that Act; 15
  - (iv) any consumer of any energy utilities, whether or not the person derives any direct or immediate benefit from the energy initiative for which the rate is imposed;
- (b) the amount of the rate payable by each person (including by way of a formula or other method which may incorporate by reference any other formula or market index of another body or organisation, as may be amended from time to time); 20
- (c) the manner in which the amount of any rate payable by any person is to be paid by the person (including to any person authorised by the Authority to collect the amount); and 25
- (d) if the amount of any rate payable by a person is not paid by the person, the manner in which the amount may be recovered from the person, 30

and the regulations may, for each rate, make different provisions for different persons or classes of persons, or for different circumstances.

5 (5) To avoid doubt, the regulations may provide that the rate imposed for any energy initiative in relation to any energy utilities is payable by all or any licensee, all or any consumer, or any combination thereof, in relation to that or any other energy utilities.

10 (6) To avoid doubt, the regulations may be amended from time to time to alter the amount of the rate imposed on any person in relation to any energy initiative, for the purpose of ensuring that the amounts paid or recovered under the rate are reasonably commensurate with the costs of the Authority or appointed person (as the case may be) in undertaking the energy initiative.

15 (7) Subject to subsection (8), the amounts paid or recovered under a rate imposed for any energy initiative are to be applied to meet the costs of the Authority or appointed person (as the case may be) in undertaking the energy initiative.

20 (8) Where (despite any alteration under subsection (6)) the amounts paid or recovered under a rate imposed for any energy initiative exceed the costs of the Authority or appointed person (as the case may be) in undertaking the energy initiative, the Authority may retain the excess and apply the excess in payment of the costs of any other energy initiative undertaken by the Authority or any appointed person.”

## PART 2

### AMENDMENT OF ELECTRICITY ACT 2001

25 **Amendment of section 2**

7. In the Electricity Act 2001 (called in this Part the Electricity Act), in section 2(1), in the definition of “transmit” —

(a) in paragraph (b), delete “or” at the end;

(b) in paragraph (c), insert “or” at the end; and

30 (c) after paragraph (c), insert —

“(d) from an electrical plant or substation to the territorial limit of Singapore, or vice versa;”.

### **Amendment of section 20A**

8. In the Electricity Act, in section 20A —

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(a) in the section heading, replace “**electrical plants**” with “**and use of key facilities, etc.**”;

(b) replace subsection (1) with —

“(1) The Authority may direct any person mentioned in any of the following paragraphs to allow an electricity licensee (*E*) to carry out any activity described in the paragraph:

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(a) to connect any key conduit of *E* to any key facility or key conduit of a person and to use the key facility or key conduit of the person;

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(b) to install and use any key conduit of *E* at any premises owned or occupied by a person;

(c) to install and use any usage equipment of *E* at a key facility or key conduit of a person, or a key conduit of *E*, mentioned in paragraph (a) or (b);

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(d) to use any prescribed wharf or jetty owned or occupied by a person, to berth any vessel on which *E* is to load or from which *E* is to discharge any material of *E*, and to load the material onto or discharge the material from the vessel;

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(e) to use any equipment, apparatus, appliance or facility, or any key conduit, of a person at any prescribed wharf or jetty, to enable *E* —

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(i) to load any material of *E* onto or discharge any material of *E* from any vessel berthed at the prescribed wharf or jetty; or

5 (ii) to bring any material of *E* to or away from the prescribed wharf or jetty;

10 (f) to install and use any equipment, apparatus, appliance or facility of *E* at a prescribed wharf or jetty owned or occupied by a person, to enable *E* to carry out any activity described in paragraph (e)(i) or (ii).

(1A) To avoid doubt, the Authority may issue directions to more than one person at any one time, in relation to the same *E*.

15 (1B) To avoid doubt, the premises mentioned in subsection (1)(b) need not be premises at which any key facility or key conduit of a person (to which *E* is to connect its key conduit) is situated, or at which *E* is to install any usage equipment.

20 (1C) The Authority may make a direction under subsection (1) only if it considers that the direction is necessary —

(a) in the public interest; or

25 (b) to ensure the security and reliability of the supply of electricity to the public.”;

(c) replace subsection (2) with —

“(2) For the purpose of subsection (1), the direction may —

30 (a) require the person to allow *E* to enter any premises owned or occupied by the person for the purposes of carrying out any activity mentioned in subsection (1) and specified in the direction, and in any event require the person not to do, or cause or allow to be

done, anything that may prevent *E* from carrying out the activity; and

(b) require the person and *E* to enter into an agreement within the period of 30 days after the connection or installation under subsection (1)(a), (b), (c) or (f) has been made or the use in subsection (1)(d) or (e) has commenced, for the purposes of —

(i) granting *E* a wayleave —

(A) for the continuation of the connection or installation at the premises;

(B) for *E* to be able to carry out maintenance works on —

(BA) the connection at the premises; or

(BB) the key conduit, usage equipment, equipment, apparatus, appliance or facility of *E* installed at the premises; or

(C) for *E* to continue the use specified in the direction,

as the case may be; and

(ii) reasonably compensating the person for any loss suffered as a result of the connection, installation or use,

and the person and *E* must comply with a direction under subsection (1) to the extent that it relates to either of them.

(2A) The Authority may, upon the request of the person or *E*, grant one or more extensions of the period mentioned in subsection (2)(b).”;

(d) in subsections (3), (4) and (6), replace “*E* and the transmission licensee” wherever it appears with “the person and *E*”;

5 (e) in subsection (3), replace “*E* or the transmission licensee” with “the person or *E*”; and

(f) after subsection (6), insert —

10 “(7) A person need not comply with a direction given by the Authority under subsection (1) for so long as an appeal under section 98 against the direction is pending.

15 (8) Any person who contravenes a direction under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

(9) In this section —

“key conduit” means any of the following:

20 (a) any electric line;

(b) any pipe or channel for transporting —

25 (i) any fuel required in connection with the generation of electricity (including for the purpose of creating or maintaining any stocks of fuel, whether or not pursuant to section 27), but not any gas as defined in section 2 of the Gas Act 2001;

30 (ii) any coolant (including seawater) required in connection with the cooling of

any electrical plant used in generating or transmitting electricity; or

(iii) any waste (including emissions) produced in connection with the generation of electricity, or the production of fuel for use in connection with the generation of electricity; 5 10

(c) any other conduit prescribed by regulations made under section 103 as a key conduit for the purposes of this section;

“key facility” means any of the following: 15

(a) any electrical plant (including any energy storage system);

(b) any facility for receiving, storing or pumping —

(i) any fuel required in connection with the generation of electricity (including for the purpose of creating or maintaining any stocks of fuel, whether or not pursuant to section 27), but not any gas as defined in section 2 of the Gas Act 2001; 20 25

(ii) any coolant (including seawater) required in connection with the cooling of any electrical plant used in generating or transmitting electricity; or 30

(iii) any waste (including emissions) produced in connection with the generation of electricity, or the production of fuel for use in connection with the generation of electricity;

(c) any other facility prescribed by regulations made under section 103 as a key facility for the purposes of this section;

“prescribed wharf or jetty” means a wharf or jetty prescribed by regulations made under section 103 for the purposes of this section;

“usage equipment” means any equipment, apparatus or appliance connected with the use or operation of a key facility or a key conduit.”.

### **New section 20B**

9. In the Electricity Act, after section 20A, insert —

#### **“Connections to and use of key facilities, etc.: supplementary provisions**

**20B.**—(1) An agreement under section 20A ceases to be binding on the person and *E* upon —

(a) the determination of the agreement upon the expiration of a period specified in the agreement;

(b) the termination of the agreement pursuant to a term contained in the agreement, or any written law or rule of law; or

(c) despite anything in the agreement, the person ceasing, after the agreement is entered into, to own the key facility or key conduit to which *E*’s key conduit is connected, or to own or occupy the premises at which



*E*'s key conduit, usage equipment, equipment, apparatus, appliance or facility is installed.

(2) Upon the agreement ceasing to be binding on the person and *E*, a notice to remove any connection, or *E*'s key conduit, usage equipment, equipment, apparatus, appliance or facility, covered by the agreement, may be given to *E* by — 5

(a) where subsection (1)(a) or (b) applies, the person; or

(b) where subsection (1)(c) applies, the person who is the owner of the key facility or key conduit to which *E*'s key conduit is connected or the owner or occupier of the premises (as the case may be) following the change in the ownership or occupation. 10

(3) The notice must give *E* at least the period prescribed by regulations made under section 103 to effect the removal.

(4) *E* may, during the period given in the notice to remove, apply to the Authority — 15

(a) where *E* is of the view that the period given to it (including where the period is the prescribed period mentioned in subsection (3)) is insufficient for it to effect the removal — for an extension of the period; or 20

(b) for another direction under section 20A(1).

(5) Where *E* has made an application under subsection (4), *E* need not comply with the notice to remove pending the Authority's decision on the application. 25

(6) Where the Authority refuses to grant the application under subsection (4), then, unless the person cancels the notice, *E* must comply with the notice to remove before the end of the latest of the following periods:

(a) the period in the notice to remove; 30

(b) for an application under subsection (4)(b), the period prescribed by regulations made under section 103 after the date of the Authority's refusal to grant the direction requested;

(c) the period specified (if any) in the notice of the Authority’s refusal.

(7) Despite subsection (6), *E* need not comply with the notice to remove if *E* appeals under section 98 against a decision of the Authority mentioned in that subsection, for so long as the appeal is pending.

(8) Where the decision on appeal confirms the decision of the Authority, *E* must comply with the notice to remove before the end of the later of the following periods:

(a) for an application under subsection (4)(b), the period prescribed by regulations made under section 103 after the date of the decision on appeal;

(b) the period specified (if any) in the decision on appeal.

(9) Where, pursuant to section 20A, *E* has at any premises installed any key conduit, usage equipment, equipment, apparatus, appliance or facility, each of these —

(a) continues to remain the property of *E* and is deemed not to be a fixture, and does not vest in the owner of the premises; and

(b) is not to be subject to distress or be liable to be taken under or pursuant to an enforcement order of any court or any proceedings in bankruptcy against the person in whose possession it is.

(10) In this section, “key conduit”, “key facility” and “usage equipment” have the meanings given by section 20A(9).”.

### **Amendment of section 30A**

**10.** In the Electricity Act, in section 30A, replace the definition of “designated entity” with —

““designated entity” means an entity, not being an electricity licensee —

(a) that owns a transmission system (or any part of a transmission system); or

(b) which the Authority is satisfied —

- (i) will engage in (but has not yet commenced engaging in); or
- (ii) is engaging in,  
an activity mentioned in section 6(1) that is  
critical to Singapore’s energy security and  
reliability,

and is declared by the Minister to be a designated entity  
for the purposes of this Part;”.

### **Amendment of section 30B**

**11.** In the Electricity Act, in section 30B —

(a) in subsection (3), replace “a 30% controller” with “a 25%  
controller, a 30% controller, a 50% controller, a 75%  
controller”;

(b) after subsection (3), insert —

“(3A) No person may, whether through a series of  
transactions over a period of time or otherwise, cease  
to become a 50% controller or a 75% controller of a  
designated electricity licensee, a designated entity or  
a designated business trust without obtaining the prior  
written approval of the Authority.”;

(c) in subsection (4), replace paragraph (b) with —

“(b) the business, or any part of the business, of  
a designated entity which —

- (i) for a designated entity within  
paragraph (a) of the definition of  
“designated entity” in section 30A —  
relates to its transmission system or  
any part thereof; and

- (ii) for a designated entity within  
paragraph (b) of the definition of  
“designated entity” in section 30A —

relates to the activity or any part thereof by reason of which it is a designated entity; or”;

5 (d) in subsection (5)(a), after “the person”, insert “, and every associate of the person known to the Authority,”;

(e) in subsection (5)(b), replace “person’s likely influence” with “likely influence of the person and every associate of the person known to the Authority”;

(f) after subsection (5), insert —

10 “(5A) The Authority may approve an application of a person under subsection (3A) if the Authority is satisfied that —

15 (a) the designated electricity licensee, the designated entity or the trustee-manager of the designated business trust (as the case may be) will continue to conduct its business prudently and comply with the provisions of this Act, despite the person ceasing to be a 50% controller or a 75% controller; and

(b) it is in the public interest to do so.”;

(g) in subsection (11), in the definition of “12% controller”, replace “30% controller” with “25% controller”;

25 (h) in subsection (11), after the definition of “12% controller”, insert —

““25% controller” means a person, not being a 30% controller, who, alone or together with the person’s associates —

30 (a) holds 25% or more of the total equity interest in; or

(b) is in a position to control 25% or more of the voting power in,

the licensee, the entity or the business trust;”;

- (i) in subsection (11), in the definition of “30% controller”, after “a person”, insert “, not being a 50% controller,”; and
- (j) in subsection (11), after the definition of “30% controller”, insert —

“50% controller” means a person, not being a 75% controller, who, alone or together with the person’s associates — 5

(a) holds 50% or more of the total equity interest in; or

(b) is in a position to control 50% or more of the voting power in, 10

the licensee, the entity or the business trust;

“75% controller” means a person who, alone or together with the person’s associates —

(a) holds 75% or more of the total equity interest in; or 15

(b) is in a position to control 75% or more of the voting power in,

the licensee, the entity or the business trust;”.

### **Amendment of section 30CA** 20

12. In the Electricity Act, in section 30CA, after “(3)”, insert “, (3A)”.

### **Amendment of section 30D**

13. In the Electricity Act, in section 30D —

(a) in subsections (1) and (4), after “subsection (2)”, insert “, (2A)”;

(b) in subsection (1)(a), after “section 30B(3)”, insert “, (3A)”;

(c) in subsection (1)(b)(i), after “the person”, insert “or any associate of the person”;

(d) in subsection (1)(b)(ii), replace “person’s likely influence” with “likely influence of the person or any associate of the person”;

5 (e) in subsections (1)(b)(iii) and (2), replace “a 30% controller” wherever it appears with “a 25% controller, a 30% controller, a 50% controller, a 75% controller”;

(f) in subsection (1), after paragraph (b), insert —

10 “(ba) in the case of a person who has obtained the Authority’s approval under section 30B(3A) or who has been exempted from section 30B(3A) under section 30CA, and ceases to be a 50% controller or a 75% controller of the designated electricity licensee, designated entity or trustee-manager of the designated business trust, as the case may be —

15 (i) the designated electricity licensee or designated entity (as the case may be) is not conducting, or is no longer likely to conduct, its business prudently or to comply with the provisions of this Act because of the cessation; or

20 (ii) the trustee-manager of the designated business trust is not conducting, or is no longer likely to conduct, the business of the business trust prudently or to comply with the provisions of this Act because of the cessation;” and

25 (g) after subsection (2), insert —

30 “(2A) Where the person has ceased to be a 50% controller or a 75% controller of a designated electricity licensee, designated entity or designated

business trust (as the case may be), the Authority may, by written notice —

- (a) direct the person to take any steps that are necessary, within the period specified by the Minister, to resume being a 50% controller or a 75% controller, as the case may be; 5
- (b) direct any transferee to whom the person had transferred its equity interests so as to cease to be a 50% controller or a 75% controller (called in this section and section 30E the relevant equity interests) to take any steps that are necessary, within the period specified by the Minister, to transfer all or any of those equity interests back to the person; 10
- (c) restrict the transfer or disposal of the relevant equity interests; or
- (d) make any other direction that the Minister considers appropriate.”. 20

#### **Amendment of section 30E**

**14.** In the Electricity Act, in section 30E(2) —

- (a) after “section 30D(2)(b) or (c)”, insert “or (2A)(b) or (c)”;  
and
- (b) in paragraphs (a), (b) and (c), replace “specified equity interest” with “specified equity interests or relevant equity interests”. 25

#### **Amendment of section 30F**

**15.** In the Electricity Act, in section 30F —

- (a) in subsection (2), after “section 30B(3)” wherever it appears, insert “or (3A)”;
- (b) after subsection (3), insert — 30

“(3A) Where a person is charged with an offence in respect of a contravention of section 30B(3A), it is also a defence for the person to prove that, even though the person was aware of the contravention —

5 (a) the contravention occurred as a result of a decrease in the holding of equity interest or in the voting power controlled by any of the person’s associates;

10 (b) the person has no agreement or arrangement, whether oral or in writing and whether express or implied, with that associate with respect to the acquisition, holding or disposal of equity interest in, or under which they act together in exercising their voting power in relation to, the licensee, the entity or the business trust; and

15 (c) the person has, within 14 days of the date of the contravention, notified the Authority of the contravention and, within such time as may be determined by the Authority, taken such actions in relation to the person’s holding of equity interest or control of voting power in the licensee, the entity or the business trust as the Authority may direct.”;

(c) in subsection (4), replace “and (3)” with “, (3) and (3A)”;

and

(d) in subsection (4), replace “section 30B(3)” wherever it appears with “section 30B(1), (3) or (3A)”.

### **New section 38A**

16. In the Electricity Act, after section 38, insert —



## “Repurposing of installations

**38A.—**(1) This section applies to a person who —

- (a) is an electricity licensee or is exempted under section 8; and
- (b) owns, or manages or controls, a relevant installation. 5

(2) A person must not, without the prior approval of the Authority, use or allow the use of the relevant installation or any part of the relevant installation (including following any modification, replacement or disposal of any part of the relevant installation) other than as or as part of such relevant installation. 10

(3) Regulations made under section 103 may exclude any of the following from the application of this section:

- (a) any electricity licensee or person exempted under section 8; 15
- (b) any relevant installation or any part of any relevant installation;
- (c) any use of any relevant installation or part of any relevant installation (including following any modification, replacement or disposal of any part of the relevant installation), generally or in prescribed circumstances. 20

(4) A person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction. 25

(5) In this section, “relevant installation” means any of the following:

- (a) a generating station; 30
- (b) a generating unit;
- (c) a transmission system;

- (d) an energy storage system (including where the system is not part of a generating station, generating unit or transmission system).”.

### **New Part 5A**

5     **17.** In the Electricity Act, after Part 5, insert —

“PART 5A

ELECTRICITY RATIONING

#### **Meaning of electricity shortage**

10     **41A.** An electricity shortage situation is a situation where, owing to any circumstances (including a shortage of any fuel required to generate electricity) —

(a) in the opinion of the Authority —

15             (i) the amounts of electricity that can be generated in and imported into Singapore will likely not meet the needs of some consumers in Singapore; or

(ii) if no measures are taken, the secure operation of a transmission system of a transmission licensee will be threatened; or

20             (b) the amounts of electricity being generated in and imported into Singapore do not meet the needs of some consumers in Singapore.

#### **Directions for electricity rationing**

25     **41B.—**(1) Where there is an electricity shortage situation, the Authority may, with the approval of the Minister, give to any one or more persons such directions for the purpose in subsection (2) to do any act in subsection (3) that the Authority considers necessary.

30             (2) The purpose of the directions is to prevent the electricity shortage situation from occurring or continuing, or to deal with or alleviate the electricity shortage situation.

(3) A direction may require any person to whom the direction is given to do or not to do any thing in order to regulate the generation, transmission, supply or use of electricity, including —

- (a) requiring a person to generate an amount of electricity specified in the direction, or not generate any electricity, for any period specified in the direction or on any specified day or at any specified time of any day in that period; 5
- (b) requiring a person to generate electricity using the type of fuel specified in the direction; and 10
- (c) requiring a person to supply to another person, or requiring a person to use, an amount of electricity specified in the direction, or not to supply or use any electricity, for any period specified in the direction or on any specified day or at any specified time of any day in that period. 15

(4) Directions under this section may be issued at any one or more times during the electricity shortage situation, including to the same person. 20

(5) Where the same direction is to be given to a class of persons, the Authority may, instead of issuing a direction to each person in the class, issue a direction for the class of persons.

(6) The Authority must publicise a direction under subsection (5) in such manner as the Authority considers appropriate for bringing the direction to the attention of all persons in the class. 25

(7) A direction under this section remains in force until revoked by the Authority, and such revocation does not prevent the issue of another direction under this section to the same person or class of persons, whether with the same requirements as or different requirements from the direction revoked. 30

(8) The Authority is not required to consult any person, or provide any notice, before issuing any direction under this section. 35

(9) A person (including an electricity licensee) who fails to comply with a direction under subsection (1) shall be guilty of an offence and shall be liable on conviction to one or both of the following:

- 5           (a) a fine not exceeding \$50,000;
- (b) imprisonment for a term not exceeding 3 years,
- and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.

### 10       **Enforcement of directions**

**41C.**—(1) Where a direction under section 41B requires a reduction in or cessation of the use of electricity at any premises, and the requirement is not complied with, the Authority —

- 15           (a) may take such steps as are necessary to reduce or discontinue the supply of electricity to the premises, including by ordering a market support services licensee or transmission licensee to reduce or discontinue the supply of electricity to the premises by any means specified in the order; and
- 20           (b) must give the owner or occupier of the premises not less than 6 hours' written notice of the reduction or discontinuance.

25           (2) The steps in subsection (1) may include the disconnection of any connection to the premises for the purpose of supplying electricity to the premises, whether or not such connection is in use.

30           (3) Where, for purposes of subsection (1)(a), the only way to reduce or discontinue the supply of electricity to any premises would require the Authority, or the market support services licensee or transmission licensee, to enter those or any other premises or physically access any equipment or apparatus at any premises, the Authority, market support services licensee or transmission licensee may, through any person authorised by the Authority, market support services licensee or transmission

licensee (as the case may be), enter the premises or physically access the equipment or apparatus at any premises at all reasonable times —

- (a) to carry out all works necessary to effect the reduction or discontinuance; and 5
- (b) in any event (for the person authorised by the market support services licensee or transmission licensee) to carry out the order under subsection (1)(a).

(4) A person authorised by the Authority, market support services licensee or transmission licensee under subsection (3) must, if requested by any person occupying, or having control or management of, the premises, produce — 10

- (a) some duly authenticated document showing the person's authority; and
- (b) for a person authorised by the market support services licensee or transmission licensee, the order made by the Authority under subsection (1)(a). 15

(5) A supply of electricity that has been reduced or discontinued pursuant to subsection (1)(a) may be increased or restored — 20

- (a) only if the approval of the Authority for the increase or restoration is obtained in the manner and through any person required by the Authority; and
- (b) upon the payment of the costs and expenses of such increase or restoration by the person seeking the Authority's approval. 25

(6) A person who does any act which the person knows or ought reasonably to know obstructs, hinders or otherwise prevents, or is likely to obstruct, hinder or otherwise prevent, any person authorised by the Authority, market support services licensee or transmission licensee (as the case may be) from exercising any power under subsection (3) shall be guilty of an offence. 30

(7) Where a supply of electricity to any premises has been reduced or discontinued pursuant to subsection (1)(a), a person who does any act for the purpose of increasing or restoring the supply of electricity to the premises without the Authority's approval for the increase or restoration under subsection (5), shall be guilty of an offence and shall be liable on conviction to one or both of the following:

(a) a fine not exceeding \$10,000;

(b) imprisonment for a term not exceeding 3 months.

(8) Where a supply of electricity to any premises has been reduced or discontinued pursuant to subsection (1)(a), and the supply increased or restored without the approval of the Authority, for so long as the order remains in force, if the amount of electricity used at the premises exceeds the amount permitted under the order, the occupier of the premises shall be guilty of an offence and shall be liable on conviction to one or both of the following:

(a) a fine not exceeding \$10,000;

(b) imprisonment for a term not exceeding 3 months,

and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.

### **Protection from liability**

**41D.**—(1) The Authority is not liable for any loss or expense suffered by any person in or as a result of complying with any direction made under section 41B(1) or any order made under section 41C(1)(a) by the Authority in good faith and with reasonable care, or as a result of any reduction or discontinuance of any supply of electricity to the person following from such direction or order.

(2) A market support services licensee and a transmission licensee are not liable for any loss or expense suffered by any person as a result of the market support services licensee or transmission licensee (as the case may be) complying in good

faith and with reasonable care with any order made by the Authority under section 41C(1)(a).

(3) The Authority, a market support services licensee, a transmission licensee and any person authorised by the Authority or such licensee, are not liable for any loss or expense, or damage, suffered by any person as a result of the exercise in good faith and with reasonable care of any powers under section 41C(1) or (3) by the person so authorised by the Authority or such licensee.

### **Effect of directions on contracts**

**41E.**—(1) This section applies where —

(a) a direction under section 41B(1) applies to a person (*A*); and

(b) in order for *A* to comply with the direction, *A* must —

(i) take from another person less electricity than what *A* had contracted to take (including no electricity);

(ii) provide another person with less electricity than what *A* had contracted to provide (including no electricity); or

(iii) take from another person less fuel than what *A* had contracted to take (including no fuel), for the purpose of *A* generating electricity.

(2) No action, suit or other legal proceedings lies against *A* for or in relation to *A*'s failure to comply with *A*'s contractual obligation as described in subsection (1)(b), to the extent that *A*'s failure is solely attributable to or occasioned by *A*'s compliance with the direction.

(3) Where —

(a) *A*'s failure is in relation to a contract that is part of a chain of supply; and

(b) *A*'s failure results in any person (*B*) that is a party to some other contract in the chain of supply not being able to take or provide the electricity, or take fuel, which *B* had contracted to take or provide,

5 no action, suit or other legal proceedings lies against *B* for or in relation to *B*'s failure to the extent that *B*'s failure is solely attributable to or occasioned by *A*'s failure.

(4) Despite any rule of law, neither *A*'s failure nor *B*'s failure —

10 (a) constitutes a breach of the contract with *A* or *B* (as the case may be) by which any other party to the contract may terminate the contract; or

(b) constitutes an event by which the contract is frustrated,

15 unless provided for in the contract pursuant to subsection (5).

(5) Nothing in this section prevents the parties to a contract from specifically providing in the contract for the respective rights and obligations of the parties in the event a party to the contract is unable to take or provide electricity, or take fuel, in the amount contracted for as a result of —

20 (a) the party complying with a direction under section 41B(1) applicable to the party; or

25 (b) a party to some other contract in the same chain of supply as the firstmentioned contract complying with a direction under section 41B(1) applicable to the party to such other contract,

or otherwise providing for the effect on the firstmentioned contract of any matter mentioned in paragraph (a) or (b).

30 (6) Nothing in this section prevents the parties to a contract entered into before the date of commencement of section 17 of the Energy Transition Measures and Other Amendments Act 2024 from agreeing on or after that date, to make a specific provision in the contract for the respective rights and obligations of the parties mentioned in subsection (5).



### **Requests for information, etc.**

**41F.**—(1) For the purpose of forming its opinion in section 41A(a) and issuing any directions under section 41B(1), the Authority may, by written notice to any person, request the person to furnish to the Authority any information and document within the knowledge of the person or in the person’s custody or under that person’s control, concerning the electricity usage of that person or any other person. 5

(2) Any person who, upon a request mentioned in subsection (1) — 10

(a) fails to comply with the request;

(b) intentionally alters, suppresses or destroys any information or document required by the request; or

(c) provides to the Authority any information or document that is false, misleading or inaccurate in a material particular, or recklessly provides any such information or document, 15

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 12 months or to both.”. 20

### **New Part 5B**

**18.** In the Electricity Act, before Part 6, insert —

“PART 5B

MATTERS RELATING TO GENERATION ENTITIES 25

#### **Interpretation of this Part**

**41G.** In this Part —

“gas” has the meaning given by section 2 of the Gas Act 2001;

“generation entity” means a person who engages in the generation of electricity, whether the person is authorised by an electricity licence to generate 30

electricity, or is exempt under this Act from the requirement of such a licence;

“prescribed generation entity” means a generation entity that is prescribed as such, or that is within a class of generation licensees prescribed as such, pursuant to section 41H.

### **Application of this Part**

**41H.** This Part applies to any generation entity or any class of generation entities prescribed by regulations made under section 103 for the purposes of this Part.

### **Procurement of gas by prescribed generation entity**

**41I.—(1)** Unless the Authority otherwise allows, a prescribed generation entity that requires gas for any purpose must obtain the gas only from the holder of a gas importer’s licence (central import) under the Gas Act 2001.

(2) Subsection (1) does not apply to any prescribed generation entity in respect of any contract to procure gas that the generation entity entered into before the date of commencement of section 18 of the Energy Transition Measures and Other Amendments Act 2024, or any such contract that is renewed or extended before, on or after that date.

(3) However, no term or condition of such contract may be amended or modified except with the prior approval of the Authority.

(4) Unless the Authority otherwise allows, a prescribed generation entity must not, in relation to gas obtained by it —

(a) from the holder of a gas importer’s licence (central import); or

(b) under a contract mentioned in subsection (2),

provide the gas to any other person, whether or not that person is a prescribed generation entity.

(5) Without affecting section 14, where subsection (1), (3) or (4) is contravened —

- (a) any contract by which the prescribed generation entity purports to obtain gas from a person that does not hold a gas importer’s licence (central import);
- (b) any amendment or modification to a contract in contravention of subsection (3); or
- (c) any contract by which the prescribed generation entity provides the gas mentioned in subsection (4) to any other person,

(as the case may be) is void to the extent of the contravention.”.

### **Amendment of section 65**

**19.** In the Electricity Act, in section 65(3)(b), replace “*E* and the transmission licensee” wherever it appears with “the person concerned and *E*”.

### **Amendment of section 66**

**20.** In the Electricity Act, in section 66 —

- (a) in subsection (1)(b), replace “*E* and the transmission licensee concerned” with “the person concerned and *E*”; and
- (b) in subsection (12), replace “*E* and the transmission licensee” with “the person concerned and *E*”.

### **Amendment of section 80**

**21.** In the Electricity Act, in section 80, replace subsection (10) with —

“(10) If in any proceedings for any offence under subsection (7), the defence involves acting on information supplied by any of the following:

- (a) an electricity licensee to whom any high voltage electricity cable belongs or that manages or controls such cable;

(b) any person to whom any infrastructure described in subsection (11) belongs or that manages or controls such infrastructure;

(c) a licensed cable detection worker,

5 then the person charged is not, without permission of the court, entitled to rely on that defence unless, within 14 clear days before the hearing, the person charged has served on the prosecutor a written notice giving such information as was then in the possession of the person charged identifying or assisting  
10 in the identification of the person who supplied the person charged with the information.”.

### **Amendment of section 85**

**22.** In the Electricity Act, in section 85 —

(a) replace subsection (6) with —

15 “(6) If in any proceedings for any offence under subsection (1)(a) or (b), the defence involves acting on information supplied by any of the following:

(a) an electricity licensee to whom any transmission system belongs or that manages or controls any transmission system;

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(b) any person to whom any infrastructure described in subsection (7) belongs or that manages or controls such infrastructure;

25 (c) a licensed cable detection worker,

then the person charged is not, without permission of the court, entitled to rely on that defence unless, within 14 clear days before the hearing, the person charged has served on the prosecutor a written notice giving such information as was then in the possession of the person charged identifying or assisting in the  
30 identification of the person who supplied the person charged with the information.”; and

- (b) in subsection (7), after “electricity licensee”, insert “, and for this purpose, a reference to an electricity licensee in this section is a reference to the person to whom the infrastructure belongs or that manages or controls the infrastructure”.

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### **Amendment of section 87**

**23.** In the Electricity Act, in section 87(4) —

- (a) replace “subsection (1)(b) or (d)” with “subsection (1)(b) or subsection (1)(d) (in relation to subsection (1)(b))”;
- (b) after “mentioned in subsection (1)(b),”, insert “or caused or permitted any other person to engage in such alteration or tampering,”; and
- (c) after “so altered or tampered with the meter or meter installation”, insert “, or to have so caused or permitted the other person to engage in such alteration or tampering, as the case may be”.

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### **Amendment of section 98**

**24.** In the Electricity Act, in section 98(1)(a), after “section”, insert “20A(2A),”.

### **Amendment of section 103**

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**25.** In the Electricity Act, in section 103(2) —

- (a) after paragraph (k), insert —

“(ka) the prescribing of terms and conditions applicable to a contract for gas between a prescribed generation entity (as defined in section 41G) and the holder of a gas importer’s licence (central import) under the Gas Act 2001, including any term or condition providing for a minimum amount of gas that must be obtained by the prescribed generation entity (including

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different minimum amounts for different periods of time);”; and

(b) after paragraph (r), insert —

“(ra) anything required to be prescribed or in relation to which regulations may be made under this Act;”.

### PART 3

#### AMENDMENT OF GAS ACT 2001

##### **Amendment of section 2**

26. In the Gas Act 2001 (called in this Part the Gas Act), in section 2 —

(a) in the definition of “gas importer’s licence”, replace “section 7(3)(h)” with “section 7(3)(ga) or (h)”;

(b) after the definition of “gas importer’s licence”, insert —

““gas importer’s licence (central import)” means a licence granted under section 7(3)(ga);

“gas importer’s licence (non-central import)” means a licence granted under section 7(3)(h);”;

(c) in the definition of “gas installation”, replace “gas service pipe” with “gas service isolation valve”;

(d) in the definition of “gas service pipe”, delete “, and includes any pipe owned by, or under the management or control of, a gas transporter which is used for the purpose of conveying gas from the gas service isolation valve to the meter at a consumer’s premises”; and

(e) after the definition of “premises”, insert —

““prescribed generation entity” has the meaning given by section 41G of the Electricity Act 2001;”.

**Amendment of section 6**

**27.** In the Gas Act, in section 6(1) —

(a) after paragraph (g), insert —

“(ga) import natural gas or liquefied natural gas for use by a prescribed generation entity;”;  
and

(b) in paragraph (h), after “liquefied natural gas”, insert “for the person’s own use or for use by any person other than a prescribed generation entity”.

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**Amendment of section 7**

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**28.** In the Gas Act, in section 7 —

(a) in subsection (3), after paragraph (g), insert —

“(ga) for the purpose referred to in section 6(1)(ga), a gas importer’s licence (central import);”;

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(b) in subsection (3)(h), after “gas importer’s licence”, insert “(non-central import)”; and

(c) after subsection (11), insert —

“(11A) A gas importer’s licence (central import) must not be granted to more than one person.

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(11B) To avoid doubt, where a person holding a gas importer’s licence (central import) provides gas to a prescribed generation entity that is not a direct access customer, the provision is by way of a retail of the gas.”.

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**Amendment of section 9**

**29.** In the Gas Act, in section 9, after subsection (7), insert —

“(8) Without limiting subsection (1) or (7), a gas importer’s licence (central import) may include conditions —

(a) requiring the gas importer to obtain (by import or otherwise) gas for use by any prescribed generation

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entity from sources that are specified in such condition or are of a description so specified, except insofar as the Authority consents otherwise;

5 (b) requiring any arrangement under which the gas importer obtains (by import or otherwise) such gas —

(i) to be for a maximum or minimum period —

(A) specified in such condition, except insofar as the Authority consents otherwise; or

(B) as may be approved by the Authority;

10 (ii) to be for an amount of gas —

(A) that is specified in such condition or determined in the manner or method specified in the condition, except insofar as the Authority consents otherwise; or

(B) as may be approved by the Authority; and

15 (iii) to include or not include the terms that are specified in such condition or are of a description so specified, except insofar as the Authority consents otherwise, or to be on such terms as may be approved by the Authority;

20 (c) requiring the gas importer to include or not include in its contract to provide gas to any person (whether or not a prescribed generation entity) any terms that are specified in the condition or of a description so specified, except insofar as the Authority consents otherwise, but not any term or condition prescribed under section 103(2)(ka) of the Electricity Act 2001;

25 (d) without limiting paragraph (c), pertaining to the prices to be charged by the gas importer for gas provided by it to any person, and the methods by which such charges are determined;

30 (e) without limiting paragraphs (a) to (d), requiring the gas importer to obtain the prior approval of the Authority to enter into any contract, and for any



modification, or renewal or extension, of any contract entered into by it —

- (i) to obtain gas (by import or otherwise); or
- (ii) to provide gas to a prescribed generation entity or any other person (for the purpose of generating electricity or otherwise);
- (f) requiring the gas importer to maintain a national stockpile of gas; and
- (g) requiring the gas importer to have in place procedures to be followed in the event of a public emergency (including the manner of distribution of gas out of the national stockpile of gas), and for the procedures to be approved by the Authority.

(9) The reference in subsection (8)(e) to a modification, or renewal or extension, of a contract includes a modification, renewal or extension made on or after the date of commencement of section 29 of the Energy Transition Measures and Other Amendments Act 2024, to a contract entered into before that date.”.

### **Amendment of section 29**

**30.**—(1) In the Gas Act, in section 29(3), delete “or any part of a gas service pipe linking a gas service isolation valve to the gas installation”.

(2) In the Gas Act, in section 29(4) (as replaced by section 4(b) of the Energy (Resilience Measures and Miscellaneous Amendments) Act 2021), in paragraph (a), delete “or any part of a gas service pipe linking a gas service isolation valve to the gas installation,”.

### **Amendment of section 32**

**31.** In the Gas Act, in section 32, replace subsection (9) with —

“(9) If in any proceedings for any offence under subsection (7), the defence involves acting on information supplied by any of the following:

- (a) a gas transporter;
- (b) any person to whom any infrastructure described in subsection (10) belongs or that manages or controls such infrastructure,

5 then the person charged is not, without permission of the court, entitled to rely on that defence unless the person charged has, within 14 clear days before the hearing, served on the prosecutor a written notice giving such information as was then in the possession of the person charged identifying or assisting in the identification of the person who supplied the person charged with the information.”.

### **Amendment of section 32A**

**32.** In the Gas Act, in section 32A —

(a) replace subsection (5) with —

15 “(5) If in any proceedings for any offence under subsection (1)(a) or (b), the defence involves acting on information supplied by any of the following:

(a) a gas transporter;

20 (b) any person to whom any infrastructure described in subsection (7) belongs or that manages or controls such infrastructure,

25 then the person charged is not, without permission of the court, entitled to rely on that defence unless the person charged has, within 14 clear days before the hearing, served on the prosecutor a written notice giving such information as was then in the possession of the person charged identifying or assisting in the identification of the person who supplied the person charged with the information.”; and

30 (b) in subsection (7), after “gas licensee”, insert “, and for this purpose, a reference to a gas licensee in this section is a reference to the person to whom the infrastructure belongs or that manages or controls the infrastructure”.

### Amendment of Part 6 heading

**33.** In the Gas Act, in Part 6, in the Part heading, after “GAS RETAILERS”, insert “, GAS IMPORTERS”.

### New sections 38B and 38C

**34.** In the Gas Act, after section 38A, insert —

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#### “Connections to and use of key facilities, etc.

**38B.**—(1) The Authority may direct any person mentioned in any of the following paragraphs to allow a gas licensee (*G*) to carry out any activity described in the paragraph:

- (a) to connect any key conduit of *G* to any key facility or key conduit of a person and to use the key facility or key conduit of the person; 10
- (b) to install and use any key conduit of *G* at any premises owned or occupied by a person;
- (c) to install and use any usage equipment of *G* at a key facility or key conduit of a person, or a key conduit of *G*, mentioned in paragraph (a) or (b); 15
- (d) to use any prescribed wharf or jetty owned or occupied by a person, to berth any vessel on which *G* is to load or from which *G* is to discharge any material of *G*, and to load the material onto or discharge the material from the vessel; 20
- (e) to use any equipment, apparatus, appliance or facility, or any key conduit, of a person at any prescribed wharf or jetty, to enable *G* — 25
  - (i) to load any material of *G* onto or discharge any material of *G* from any vessel berthed at the prescribed wharf or jetty; or
  - (ii) to bring any material of *G* to or away from the prescribed wharf or jetty; 30
- (f) to install and use any equipment, apparatus, appliance or facility of *G* at a prescribed wharf or jetty owned or

occupied by a person, to enable *G* to carry out any activity described in paragraph (e)(i) or (ii).

(2) To avoid doubt, the Authority may issue directions to more than one person at any one time, in relation to the same *G*.

5 (3) To avoid doubt, the premises mentioned in subsection (1)(b) need not be premises at which any key facility or key conduit of a person (to which *G* is to connect its key conduit) is situated, or at which *G* is to install any usage equipment.

10 (4) The Authority may make a direction under subsection (1) only if it considers that the direction is necessary —

(a) in the public interest; or

(b) to ensure the security and reliability of the supply of gas to the public.

15 (5) For the purpose of subsection (1), the direction may —

(a) require the person to allow *G* to enter any premises owned or occupied by the person for the purposes of carrying out any activity mentioned in subsection (1) and specified in the direction, and in any event require the person not to do, or cause or allow to be done, anything that may prevent *G* from carrying out the activity; and

20 (b) require the person and *G* to enter into an agreement within the period of 30 days after the connection or installation under subsection (1)(a), (b), (c) or (f) has been made or the use in subsection (1)(d) or (e) has commenced, for the purposes of —

(i) granting *G* a wayleave —

(A) for the continuation of the connection or installation at the premises;

(B) for *G* to be able to carry out maintenance works on —

(BA) the connection at the premises; or

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(BB) the key conduit, usage equipment, equipment, apparatus, appliance or facility of *G* installed at the premises; or

(C) for *G* to continue the use specified in the direction, 5

as the case may be; and

(ii) reasonably compensating the person for any loss suffered as a result of the connection, installation or use, 10

and the person and *G* must comply with a direction under subsection (1) to the extent that it relates to either of them.

(6) The Authority may, upon the request of the person or *G*, grant one or more extensions of the period mentioned in subsection (5)(b). 15

(7) If the person and *G* are unable to agree on the terms for any matter so as to be able to enter into an agreement in accordance with a requirement under subsection (5)(b), either the person or *G* may request the Minister to establish an Appeal Panel under section 84 to determine the reasonable terms for that matter. 20

(8) The decision of the Appeal Panel under subsection (7) must include a date on which the person and *G* are treated as having entered into an agreement comprising —

(a) the terms agreed between the person and *G*, if any; and 25

(b) the terms determined by the Appeal Panel,

and the person and *G* are treated as having entered into an agreement with each other as from that date on all such terms.

(9) The direction of the Authority under subsection (1) is revoked as from the date mentioned in the Appeal Panel's decision under subsection (8) to the extent the decision is inconsistent with that direction. 30

(10) Nothing in subsection (8) prevents the person and *G* from varying or terminating the agreement treated as entered into under that subsection.

5 (11) A person need not comply with a direction given by the Authority under subsection (1) for so long as an appeal under section 93 against the direction is pending.

10 (12) Any person who contravenes a direction under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

(13) In this section —

“key conduit” means any of the following:

- 15 (a) any gas pipeline;
- (b) any pipe for the transportation of any coolant described in paragraph (c) of the definition of “key facility”;
- 20 (c) any other conduit prescribed by regulations made under section 96 as a key conduit for the purposes of this section;

“key facility” means any of the following:

- 25 (a) a gas processing or production facility which carries out any of the following operations:
- (i) synthesising, manufacturing, purifying, blending, odourising or compressing gas for the purpose of enabling it to be introduced into or conveyed through a gas pipeline network owned by, or under the management or control of, a gas transporter or an exempt gas transporter;
- 30 (ii) removing from gas for any purpose in sub-paragraph (i) any of its constituent

gases, or separating from gas for that purpose any liquids;

(iii) determining the quantity or quality of gas which is or is to be introduced into or conveyed through the gas pipeline network mentioned in sub-paragraph (i);

5

(b) any onshore receiving facility, LNG terminal, gas storage or landing facility (other than a gas pipeline);

(c) any facility for receiving or storing any coolant (including seawater) required in connection with the cooling of any facility in paragraph (a) or (b);

10

(d) any other facility prescribed by regulations made under section 96 as a key facility for the purposes of this section;

15

“prescribed wharf or jetty” means a wharf or jetty prescribed by regulations made under section 96 for the purposes of this section;

“usage equipment” means any equipment, apparatus or appliance connected with the use or operation of a key facility or a key conduit.

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### **Connections to and use of key facilities, etc.: supplementary provisions**

**38C.**—(1) An agreement under section 38B ceases to be binding on the person and *G* upon —

25

(a) the determination of the agreement upon the expiration of a period specified in the agreement;

(b) the termination of the agreement pursuant to a term contained in the agreement, or any written law or rule of law; or

30

(c) despite anything in the agreement, the person ceasing, after the agreement is entered into, to own the key

facility or key conduit to which *G*'s key conduit is connected, or to own or occupy the premises at which *G*'s key conduit, usage equipment, equipment, apparatus, appliance or facility is installed.

5 (2) Upon the agreement ceasing to be binding on the person and *G*, a notice to remove any connection, or *G*'s key conduit, usage equipment, equipment, apparatus, appliance or facility, covered by the agreement, may be given to *G* by —

(a) where subsection (1)(a) or (b) applies, the person; or

10 (b) where subsection (1)(c) applies, the person who is the owner of the key facility or key conduit to which *G*'s key conduit is connected or the owner or occupier of the premises (as the case may be) following the change in the ownership or occupation.

15 (3) The notice must give *G* at least the period prescribed by regulations made under section 96 to effect the removal.

(4) *G* may, during the period given in the notice to remove, apply to the Authority —

20 (a) where *G* is of the view that the period given to it (including where the period is of the prescribed period mentioned in subsection (3)) is insufficient for it to effect the removal — for an extension of the period; or

(b) for another direction under section 38B(1).

25 (5) Where *G* has made an application under subsection (4), *G* need not comply with the notice to remove pending the Authority's decision on the application.

30 (6) Where the Authority refuses to grant the application under subsection (4), then, unless the person cancels the notice, *G* must comply with the notice to remove before the end of the latest of the following periods:

(a) the period in the notice to remove;

(b) for an application under subsection (4)(b), the period prescribed by regulations made under section 96 after



the date of the Authority’s refusal to grant the direction requested;

(c) the period specified (if any) in the notice of the Authority’s refusal.

(7) Despite subsection (6), *G* need not comply with the notice to remove if *G* appeals under section 93 against a decision of the Authority mentioned in that subsection, for so long as the appeal is pending. 5

(8) Where the decision on appeal confirms the decision of the Authority, *G* must comply with the notice to remove before the end of the later of the following periods: 10

(a) for an application under subsection (4)(b), the period prescribed by regulations made under section 96 after the date of the decision on appeal;

(b) the period specified (if any) in the decision on appeal. 15

(9) Where, pursuant to section 38B, *G* has at any premises installed any key conduit, usage equipment, equipment, apparatus, appliance or facility, each of these —

(a) continues to remain the property of *G* and is deemed not to be a fixture, and does not vest in the owner of the premises; and 20

(b) is not to be subject to distress or be liable to be taken under or pursuant to an enforcement order of any court or any proceedings in bankruptcy against the person in whose possession it is. 25

(10) In this section, “key conduit”, “key facility” and “usage equipment” have the meanings given by section 38B(13).”.

### **New section 43A**

**35.** In the Gas Act, after section 43, insert —

**“Repurposing of facilities”** 30

**43A.—**(1) This section applies to a person who —

(a) is a gas licensee or is exempted under section 8; and

(b) owns, or manages or controls, a relevant facility.

(2) A person must not, without the prior approval of the Authority, use or allow the use of the relevant facility or any part of the relevant facility (including following any modification, replacement or disposal of any part of the relevant facility) other than as or as part of such relevant facility.

(3) Regulations made under section 96 may exclude any of the following from the application of this section:

(a) any gas licensee or person exempted under section 8;

(b) any relevant facility or any part of any relevant facility;

(c) any use of any relevant facility or part of any relevant facility (including following any modification, replacement or disposal of any part of the relevant facility), generally or in prescribed circumstances.

(4) A person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

(5) In this section, “relevant facility” has the meaning given by section 38(13).”

### **Amendment of section 47**

**36.** In the Gas Act, in section 47(4) —

(a) replace “subsection (1)(c) or (e)” with “subsection (1)(c) or subsection (1)(e) (in relation to subsection (1)(c))”;

(b) after “mentioned in subsection (1)(c),”, insert “or caused or permitted any other person to engage in such alteration or tampering,”; and

(c) after “so altered or tampered with the meter or meter installation”, insert “, or to have so caused or permitted the other person to engage in such alteration or tampering, as the case may be”.

## New sections 61AA and 61AB

37. In the Gas Act, after section 61, insert —

**“Prohibition relating to gas for electricity generation, etc.**

**61AA.**—(1) Unless the Authority otherwise allows, a person must not provide gas to any prescribed generation entity unless the person holds a gas importer’s licence (central import).

(2) Subsection (1) does not apply in respect of any contract for the provision of gas to a prescribed generation entity that was entered into before the date of commencement of section 37 of the Energy Transition Measures and Other Amendments Act 2024, or any such contract that is renewed or extended before, on or after that date.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$25,000 for every day or part of a day during which the offence continues after conviction.

(4) Without affecting subsection (3), where any person contravenes subsection (1), the contract by which the person purports to provide gas to the prescribed generation entity is void to the extent of the contravention.

(5) Nothing in this Act prohibits a gas importer that holds a gas importer’s licence (central import) from providing gas to any person that is not a prescribed generation entity (whether or not for the purpose of generating electricity) in accordance with any restrictions and conditions imposed under section 9.

(6) Without affecting section 19, any contract entered into by the holder of a gas importer’s licence (central import) that contravenes any condition of the licence is void to the extent of the contravention.

**Duties of gas importer holding gas importer’s licence  
(central import)**

5 **61AB.** It is the duty of the holder of a gas importer’s licence (central import) to avoid undue preference or undue discrimination as between prescribed generation entities in the terms on which it undertakes to provide any gas to any prescribed generation entity.”.

**Amendment of section 63A**

**38.** In the Gas Act, in section 63A —

- 10 (a) in the definition of “12% controller”, replace “30% controller” with “25% controller”;
- (b) after the definition of “12% controller”, insert —
- 15 ““25% controller”, in relation to a designated gas licensee, designated entity or designated business trust, means a person, not being a 30% controller, who, alone or together with the person’s associates —
- (a) holds 25% or more of the total equity interests in; or
- 20 (b) is in a position to control 25% or more of the voting power in,
- the designated gas licensee, designated entity or designated business trust;”;
- (c) in the definition of “30% controller”, after “person”, insert
- 25 “, not being a 50% controller,”;
- (d) after the definition of “30% controller”, insert —

““50% controller”, in relation to a designated gas licensee, designated entity or designated business trust, means a person, not being a 75% controller, who, alone or together with the person’s associates — 5

(a) holds 50% or more of the total equity interests in; or

(b) is in a position to control 50% or more of the voting power in,

the designated gas licensee, designated entity or designated business trust; 10

“75% controller”, in relation to a designated gas licensee, designated entity or designated business trust, means a person who, alone or together with the person’s associates — 15

(a) holds 75% or more of the total equity interests in; or

(b) is in a position to control 75% or more of the voting power in,

the designated gas licensee, designated entity or designated business trust;” and 20

(e) replace the definition of “designated entity” with —

““designated entity” means an entity, not being a gas licensee —

(a) that owns a gas pipeline network (or any part of a gas pipeline network); or 25

(b) which the Authority is satisfied —

(i) will engage in (but has not yet commenced engaging in); or

(ii) is engaging in,

an activity mentioned in section 6(1) that is critical to Singapore’s energy security and reliability,

5 and is declared by the Minister to be a designated entity for the purposes of this Part;”.

### **Amendment of section 63B**

**39.** In the Gas Act, in section 63B —

10 (a) in subsection (3), replace “a 30% controller” with “a 25% controller, a 30% controller, a 50% controller, a 75% controller”;

(b) after subsection (3), insert —

15 “(3A) No person may, whether through a series of transactions over a period of time or otherwise, cease to become a 50% controller or a 75% controller of a designated gas licensee, a designated entity or a designated business trust without obtaining the prior written approval of the Authority.”; and

20 (c) in subsection (4), replace paragraph (b) with —

“(b) the business (or any part thereof) of a designated entity which —

25 (i) for a designated entity within paragraph (a) of the definition of “designated entity” in section 63A — relates to a gas pipeline network or any part thereof owned by the designated entity; and

- (ii) for a designated entity within paragraph (b) of the definition of “designated entity” in section 63A — relates to the activity or any part thereof by reason of which it is a designated entity; or”.

### **Amendment of section 63C**

**40.** In the Gas Act, in section 63C —

- (a) in subsection (1)(a), after “the person”, insert “, and every associate of the person known to the Authority,”;
- (b) in subsection (1)(b), replace “person’s likely influence” with “likely influence of the person and every associate of the person known to the Authority”; and
- (c) after subsection (1), insert —

“(1A) The Authority may approve an application of a person for the Authority’s approval under section 63B(3A) if the Authority is satisfied that —

- (a) the designated gas licensee, the designated entity or the trustee-manager of the designated business trust will continue to conduct its business or the business of the business trust (as the case may be) prudently and comply with the provisions of this Act, despite the person ceasing to be a 50% controller or a 75% controller; and
- (b) it is in the public interest to do so.”.

### **Amendment of section 63D**

**41.** In the Gas Act, in section 63D, after “(3)”, insert “, (3A)”.

### **Amendment of section 63E**

**42.** In the Gas Act, in section 63E —

- (a) in subsections (1) and (4), after “subsection (2)”, insert “, (2A)”;

(b) in subsection (1)(a), (d) and (e), after “section 63B(3)”, insert “, (3A)”;

(c) in subsection (1)(b)(i), after “the person”, insert “or any associate of the person”;

5 (d) in subsection (1)(b)(ii), replace “person’s likely influence” with “likely influence of the person or any associate of the person”;

(e) in subsections (1)(b)(iii) and (2), replace “a 30% controller” wherever it appears with “a 25% controller, a 30% controller, a 50% controller, a 75% controller”;

10 (f) in subsection (1), after paragraph (b), insert —

“*(ba)* in the case of a person who has obtained the Authority’s approval under section 63B(3A) or who has been exempted from section 63B(3A) under section 63D, and ceases to be a 50% controller or a 75% controller of the designated gas licensee, designated entity or trustee-manager of the designated business trust, as the case may be —

15 (i) the designated gas licensee or designated entity (as the case may be) is not conducting, or is no longer likely to conduct, its business prudently or to comply with the provisions of this Act because of the cessation; or

25 (ii) the trustee-manager of the designated business trust is not conducting, or is no longer likely to conduct, the business of the business trust prudently or to comply with the provisions of this Act because of the cessation;” and

30 (g) after subsection (2), insert —



“(2A) Where the person has ceased to be a 50% controller or a 75% controller of a designated gas licensee, designated entity or designated business trust (as the case may be), the Authority may, by written notice —

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(a) direct the person to take any steps that are necessary, within the period specified by the Minister, to resume being a 50% controller or a 75% controller, as the case may be;

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(b) direct any transferee to whom the person had transferred its equity interests so as to cease to be a 50% controller or a 75% controller (called in this section and section 63F the relevant equity interests) to take any steps that are necessary, within the period specified by the Minister, to transfer all or any of those equity interests back to the person;

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(c) restrict the transfer or disposal of the relevant equity interests; or

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(d) make any other direction that the Minister considers appropriate.”.

### **Amendment of section 63F**

**43.** In the Gas Act, in section 63F(2) —

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(a) after “section 63E(2)(b) or (c)”, insert “or (2A)(b) or (c)”;  
and

(b) in paragraphs (a), (b) and (c), after “specified equity interests”, insert “or relevant equity interests”.

### **Amendment of section 63G**

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**44.** In the Gas Act, in section 63G —

(a) in subsection (1), after “(3)”, insert “, (3A)”;

(b) in subsection (2), after “section 63B(3)” wherever it appears, insert “or (3A)”;

(c) after subsection (3), insert —

5 “(3A) Where a person is charged with an offence in respect of a contravention of section 63B(3A), it is also a defence for the person to prove that, even though the person was aware of the contravention —

10 (a) the contravention occurred as a result of a decrease in the holding of equity interests or in the voting power controlled by any of the person’s associates;

15 (b) the person has no agreement or arrangement, whether oral or in writing and whether express or implied, with that associate with respect to the acquisition, holding or disposal of equity interests in, or under which they act together in exercising their voting power in relation to, the designated gas licensee, the designated entity or the designated business trust; and

20 (c) the person has, within 14 days of the date of the contravention, notified the Authority of the contravention and, within such time as may be determined by the Authority, taken such actions in relation to the person’s holding of equity interests or control of voting power in the designated gas licensee, the designated entity or the designated business trust as the Authority may direct.”;

25 (d) in subsection (4), replace “and (3)” with “, (3) and (3A)”;

and

30 (e) in subsection (4), replace “or (3)” wherever it appears with “, (3) or (3A)”.

### **Amendment of section 84**

**45.** In the Gas Act, in section 84, replace subsection (3) with —

“(3) The remuneration and allowances (if any) of a member of an Appeal Panel are to be determined by the Minister and —

(a) subject to paragraph (b), form part of the expenses of the Authority; and 5

(b) where the Appeal Panel is established for the purposes of section 38B, must be borne equally by the person concerned and *G*, or in any other proportion between the person concerned and *G* that the Appeal Panel may specify.”. 10

### **Amendment of section 85**

**46.** In the Gas Act, in section 85 —

(a) replace subsection (1) with —

“(1) An Appeal Panel must — 15

(a) by notice to the Authority and the appellant; or

(b) where the Appeal Panel is established for the purposes of section 38B, by notice to the person concerned and *G*, 20

specify the date on and the place at which the appeal is to be heard.”; and

(b) after subsection (11), insert —

“(12) Where an Appeal Panel is established for the purposes of section 38B, the Appeal Panel must notify the person and *G* of its decision in respect of the terms of the agreement required to be determined by it, and the reasons for its decision.”. 25

### **Amendment of section 93**

**47.** In the Gas Act, in section 93(1)(a), after “section 27(12)”, insert “or 38B(6)”. 30

## Amendment of section 96

48. In the Gas Act, in section 96(2) —

(a) in paragraph (za), replace the full-stop at the end with a semi-colon; and

5 (b) after paragraph (za), insert —

“(zb) anything required to be prescribed or in relation to which regulations may be made under this Act.”.

## PART 4

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### SAVING AND TRANSITIONAL PROVISIONS

#### Saving and transitional provisions

49.—(1) Section 30B(3) of the Electricity Act 2001 does not apply if the transaction or series of transactions through which a person becomes a 25% controller, a 50% controller or a 75% controller, is entered into before the date of commencement of section 11(a).

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(2) Section 30B(3A) of the Electricity Act 2001 (as in force on the date of commencement of section 11(b)) does not apply if the transaction or series of transactions through which a person ceases to be a 50% controller or a 75% controller, is entered into before that date.

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(3) Section 63B(3) of the Gas Act 2001 does not apply if the transaction or series of transactions through which a person becomes a 25% controller, a 50% controller or a 75% controller, is entered into before the date of commencement of section 39(a).

25 (4) Section 63B(3A) of the Gas Act 2001 (as in force on the date of commencement of section 39(b)) does not apply if the transaction or series of transactions through which a person ceases to be a 50% controller or a 75% controller, is entered into before that date.

(5) Despite section 28(*b*), a gas importer’s licence that is granted or extended under section 7(3)(*h*) of the Gas Act 2001 (as in force immediately before the date of commencement of section 28(*b*)) and that remains in force immediately before that date, is treated as a gas importer’s licence (non-central import) granted or extended under section 7(3)(*h*) of the Gas Act 2001 (as amended by section 28(*b*)).

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(6) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Energy Market Authority of Singapore Act 2001, the Electricity Act 2001 and the Gas Act 2001.

Clause 1 relates to the short title and commencement.

### PART 1

#### AMENDMENT OF ENERGY MARKET AUTHORITY OF SINGAPORE ACT 2001

Part 1 (comprising clauses 2 to 6) amends the Energy Market Authority of Singapore Act 2001.

Clause 2 inserts a new definition of “Future Energy Fund” in section 2 (Interpretation), which refers to the fund established under the new section 19 introduced under clause 6(1).

Clause 3 amends subsection (1)(*b*) of section 5 (Constitution of Authority) to remove the upper limit on the number of members (other than the Chairperson) that may comprise the Energy Market Authority of Singapore (the Authority).

Clause 4 amends section 6 (Functions and duties of Authority) to include a new function of the Authority, namely, the function of managing and administering the Future Energy Fund.

Clause 5 amends section 15 (Power of investment) to clarify that the Authority’s moneys mentioned in that section include the moneys in the Future Energy Fund.

Clause 6(1) and (2) introduces new sections 19 and 19A, and section 19B, respectively.

The new section 19 establishes the Future Energy Fund and sets out its sources of moneys, which include moneys which may, from time to time, be appropriated from the Consolidated Fund or Development Fund and authorised to be paid into the Future Energy Fund by Supply law.

The purposes of the Future Energy Fund are set out in the new section 19A.

The Future Energy Fund may be used, among other things, mainly to —

- (a) meet expenditure incurred by the Authority in carrying on —
  - (i) any low-carbon energy project consisting of the construction, improvement, extension, replacement, acquisition or leasing of any infrastructure or property (including the acquisition of any intellectual property) to enable the generation of low-carbon electricity and the disposal, processing, storage or transportation of any waste produced in connection with the generation of the low-carbon electricity, as well as the use of any energy storage system for the purposes of the supply of electricity that may or may not be low-carbon electricity, the disposal, processing, storage or transportation of emissions produced in connection with the generation of electricity that is not low-carbon electricity, and the importation of electricity that may or may not be low-carbon electricity; or
  - (ii) any energy supply security project for the purposes of ensuring the security and reliability of any supply of energy utilities in Singapore, as may be necessitated by any low-carbon energy project; and
- (b) provide or enable the provision of financial support in connection with or as a consequence of the carrying on of any low-carbon energy project or energy supply security project.

The Future Energy Fund may be used by the Authority in relation to a low-carbon energy project or an energy supply security project, even if the project was commenced prior to the date of commencement of clause 6(1), but only if any infrastructure or property constructed, improved, extended, replaced, acquired or leased, or any transmission or distribution system improved or enhanced, under the project was not in a position to be used to provide goods or services to any person before that date.

The new section 19A(4) provides that the Future Energy Fund is not intended to be used —

- (a) for the purposes of land reclamation by or on behalf of the Government;
- (b) to pay for fuel used for generating any electricity; and
- (c) to pay for recurrent costs (namely, any costs of a recurring nature incurred or that would be incurred in the ongoing operations of the subject matter of any low-carbon energy project or energy supply security project in the provision of goods or services).

The new section 19B enables a rate to be imposed for the recovery of costs of the Authority or a person appointed by the Authority in carrying out any energy initiative described in the new section 19B(1). Where, at the time the rate is to be imposed, any such cost is not payable and the amount of the cost not yet determined, the Authority may make a reasonable estimation of the amount. Although the energy initiative may have been undertaken in a particular energy utilities industry (for example, the gas industry), the costs may be recovered from another energy utilities industry (for example, the electricity industry). Any rate imposed may have to be adjusted from time to time, so as to ensure as far as possible that the full costs are recovered and over-collection averted. The Authority may use any excess amount recovered under a rate for an energy initiative to cover the costs incurred by it or any appointed person on any other energy initiative.

## PART 2

### AMENDMENT OF ELECTRICITY ACT 2001

Part 2 (comprising clauses 7 to 25) amends the Electricity Act 2001.

Clause 7 amends the definition of “transmit” in subsection (1) of section 2 (Interpretation) to include situations where electricity is being conveyed from Singapore to, and to Singapore from, another jurisdiction. In such situations, transmission refers only to the conveyance of electricity by means of a transmission system from an electrical plant or substation to the territorial limit of Singapore and from the territorial limit of Singapore to an electrical plant or substation.

Clause 8 amends section 20A (Connections to electrical plants).

The amended section 20A will empower the Authority to direct any person to allow an electricity licensee to do certain things if it is in the public interest or to ensure the security and reliability of the supply of electricity to the public. In particular, the Authority may direct the person to allow the electricity licensee to do any of the following:

- (a) to connect any key conduit of the electricity licensee to any key facility or key conduit of the person (as well as to use such key facility or key conduit);
- (b) to install and use any key conduit of the electricity licensee at any premises owned or occupied by the person;
- (c) to install and use any usage equipment of the electricity licensee at the key facility or key conduit of the person, or a key conduit of the electricity licensee, mentioned in paragraph (a) or (b);
- (d) to use any wharf or jetty (prescribed in regulations made under section 103) owned or occupied by the person to berth vessels for the electricity licensee to load or discharge any material of the electricity licensee;
- (e) to use any equipment, apparatus, appliance or facility, or any key conduit, of the person at any wharf or jetty (prescribed in regulations made under section 103) to enable the electricity licensee to load or discharge any material of the electricity licensee on or from vessels, or to bring such material to or away from the wharf or jetty;
- (f) to install and use any equipment, apparatus, appliance or facility of the electricity licensee at a wharf or jetty (prescribed in regulations made under section 103) owned or occupied by the person, to load onto or discharge from a vessel berthed at the wharf or jetty any material of the electricity licensee, or to bring such material to or away from the wharf or jetty.

The Authority may further direct that the electricity licensee and the person enter into an agreement with each other concerning the wayleave to maintain the connection or installation, or to continue the use (as the case may be), and any compensation to be paid by the electricity licensee to the person. If the parties are unable to agree on the terms for any matter and so are unable to enter into such agreement, either party may request that the Minister charged with the responsibility for trade and industry (the Minister) establish an Appeal Panel to determine the reasonable terms of that matter.

The parties are also entitled, under section 98, to appeal to the Minister if they are aggrieved with any direction of the Authority under the amended section 20A. The direction of the Authority must not be enforced pending any appeal.

Clause 9 introduces a new section 20B to provide for the effect where an agreement under section 20A ceases to be binding. The electricity licensee does not have any proprietary rights over the connections or premises by virtue of any wayleave granted or provided under the amended section 20A alone. As such, where an agreement under section 20A ceases to be binding, notice may be given to the electricity licensee to remove any of the electricity licensee's connections,



key conduits, usage equipment, equipment, apparatus, appliances or facilities covered by the agreement.

The notice to remove must give the electricity licensee at least the period prescribed in regulations made under section 103 to effect the removal.

However, the electricity licensee may apply to the Authority for an extension of that period to effect the removal, or for another direction under the amended section 20A(1).

If any party is aggrieved with the decision of the Authority pursuant to any such application, the party is entitled to appeal to the Minister under section 98. The electricity licensee need not comply with the notice to remove while an appeal is pending.

Clauses 10 to 15 amend sections 30A (Interpretation of this Part), 30B (Control of acquisition of equity interest in designated electricity licensee, etc.), 30CA (Power to exempt), 30D (Power to issue directions), 30E (Effect of directions) and 30F (Offences, penalties and defences) in Part 4A (Control of Electricity Licensees and Entities with Interests in Transmission Systems). The amendments —

- (a) expand the definition of “designated entity” in section 30A to include an entity that is not an electricity licensee but which the Authority is satisfied will engage in or is engaging in a licensable activity which is critical to Singapore’s energy security and reliability;
- (b) expand the controls under Part 4A to a “25% controller”, a “50% controller” and a “75% controller”;
- (c) expand the controls under Part 4A to instances where a person ceases to be a 50% controller or a 75% controller;
- (d) in applications for the Authority’s approval for a person to become a 12% controller, a 25% controller, a 30% controller, a 50% controller or a 75% controller, allow the Authority to take into consideration whether associates of the person known to the Authority are fit and proper, and the likely influence of such associates on the conduct of the person’s business; and
- (e) make other amendments necessitated by the above amendments.

Clause 16 introduces a new section 38A to make it an offence if a relevant installation (as defined in the new section 38A(5)) is repurposed without the prior approval of the Authority through a change in use. The repurposing may or may not be the result of any modification, replacement or disposal of any part of the relevant installation.

Clause 17 introduces a new Part 5A (comprising new sections 41A to 41F) to empower the Authority to take action should the Authority assess that a shortage of electricity in Singapore is likely to occur, or where the shortage has occurred.

The new section 41A describes what it means for there to be an electricity shortage situation.

The new section 41B provides for the directions that the Authority may issue if the Authority assesses that there is likely to be a shortage of electricity in Singapore or where such shortage has arisen. The directions include directions for the generation, transmission, supply or use of electricity by persons to be reduced or increased at specified times.

The new section 41C provides for powers of enforcement in the event a direction of the Authority is contravened.

The new section 41D provides for the protection from liability of the Authority, a market support services licensee, a transmission licensee and a person authorised by the Authority or such licensee, in connection with the issue of a direction by the Authority under the new section 41B(1), and its enforcement under the new section 41C.

The new section 41E provides immunity from suit to a party to a contract who fails to take or provide electricity, or take fuel for the purpose of generating electricity, in the amount contracted for owing to the party, or some other party to another contract in the same chain of supply, having to comply with a direction issued under the new section 41B(1). Such failure does not constitute a breach of contract by which the contract may be terminated or an event of frustration, but parties may make provision in their contract specifically dealing with directions under the new Part 5A.

The new section 41F empowers the Authority to obtain information to administer the new Part 5A.

Clause 18 introduces a new Part 5B (comprising new sections 41G, 41H and 41I). The new Part 5B provides for generation entities to be prescribed for the purposes of that Part, and prohibits such prescribed generation entities from obtaining gas from any person other than the holder of a gas importer's licence (central import) under the Gas Act 2001, unless the Authority otherwise allows. Contracts entered into in contravention of the prohibitions are void, to the extent of the contravention.

Clauses 19 and 20 make consequential amendments to sections 65 (Composition and procedure of Appeal Panel) and 66 (Powers of Appeal Panel) for the purposes of the amendments to section 20A.

Clause 21 amends subsection (10) of section 80 (Carrying on of earthworks within vicinity of high voltage electricity cable) to include the situation where a person acts on information provided by a person to whom infrastructure housing

or intended to house any transmission electricity cable belongs or who manages or controls such infrastructure.

Clause 22(a) amends subsection (6) of section 85 (Damage to property of electricity licensee) to include the situation where a person acts on information provided by —

- (a) an electricity licensee to whom any transmission system belongs or that manages or controls any transmission system; or
- (b) any person to whom any infrastructure housing or intended to house any transmission electricity cable belongs or that manages or controls such infrastructure.

Clause 22(b) amends subsection (7) of section 85 to clarify who is the person equivalent to the electricity licensee, in the application of the section to infrastructure described in that subsection.

Clause 23 amends subsection (4) of section 87 (Unauthorised use of electricity) to clarify how the presumption in the subsection applies in relation to instances in which a person causes or permits any other person to engage in conduct mentioned in section 87(1)(b).

Clause 24 amends section 98 (Appeal to Minister) to make reference to the new section 20A(2A) so that decisions of the Authority concerning the extension of time under that provision are final.

Clause 25 amends subsection (2) of section 103 (Regulations) to enable regulations to be made to prescribe the terms and conditions of a contract for gas between a prescribed generation entity and the holder of a gas importer’s licence (central import), in particular, terms and conditions stipulating the minimum amount of gas that must be obtained by the prescribed generation entity under the contract. The clause also provides that regulations may be made to prescribe anything required to be prescribed or in relation to which regulations may be made under the Electricity Act 2001.

## PART 3

### AMENDMENT OF GAS ACT 2001

Part 3 (comprising clauses 26 to 48) amends the Gas Act 2001.

Clause 26(b) and (e) inserts new definitions of “gas importer’s licence (central import)”, “gas importer’s licence (non-central import)” and “prescribed generation entity” in section 2 (Interpretation).

Clause 26(a) makes a consequential amendment to the definition of “gas importer’s licence” in section 2.

Clause 26(c) makes a consequential amendment to the definition of “gas installation” in section 2, arising from the amendment under clause 26(d).

Clause 26(d) amends the definition of “gas service pipe” in section 2 to reflect the fact that there are no longer any gas pipes between a gas service isolation valve and a meter installation that are owned by, or under the management or control of, a gas transporter.

Clauses 27 and 28 amend sections 6 (Prohibition on unauthorised activities relating to gas) and 7 (Application for gas licence, etc.), respectively, to provide for 2 classes of gas importers. A holder of a gas importer’s licence (non-central import) is not entitled to provide gas to any prescribed generation entity, unless the Authority otherwise allows. A holder of a gas importer’s licence (central import) is entitled to provide gas to any person for any purpose, but the principal purpose of such gas importer is to obtain gas and provide the gas to prescribed generation entities. There is to be only one such licensed gas importer.

Clause 29 inserts new subsections (8) and (9) in section 9 (Conditions of gas licences) to refer to specific conditions which may be included in a gas importer’s licence (central import). These conditions will enable the Authority to exercise control over the persons from whom or to whom the gas importer may obtain or provide gas (by requiring the gas importer to seek the Authority’s prior approval to enter into the contract to obtain or provide the gas) and on what terms the gas importer may obtain or provide the gas, among other things.

Clause 30 makes consequential amendments to subsections (3) and (4) of section 29 (Maintenance, etc., of gas service pipes and gas installations), arising from the amendment under clause 26(d), and similarly to paragraph (a) of section 29(4) (as replaced by section 4(b) of the Energy (Resilience Measures and Miscellaneous Amendments) Act 2021).

Clauses 31 and 32(a) amend subsection (9) of section 32 (Carrying out of earthworks within vicinity of gas plant or gas pipe) and subsection (5) of section 32A (Damage to gas plant or gas pipe), respectively, to include the situation where a person acts on information provided by a person to whom any infrastructure housing or intended to house any gas transmission pipeline belongs or that manages or controls such infrastructure.

Clause 32(b) amends section 32A to clarify who is the person equivalent to the gas licensee, in the application of the section to infrastructure described in section 32A(7).

Clause 33 makes a technical amendment to the Part heading of Part 6.

Clause 34 inserts new sections 38B and 38C.

The new section 38B will empower the Authority to direct any person to allow a gas licensee to do certain things if it is in the public interest or to ensure the security and reliability of the supply of gas to the public. In particular, the

Authority may direct the person to allow the gas licensee to do any of the following:

- (a) to connect any key conduit of the gas licensee to any key facility or key conduit of the person (as well as to use such key facility or key conduit);
- (b) to install and use any key conduit of the gas licensee at any premises owned or occupied by the person;
- (c) to install and use any usage equipment of the gas licensee at a key facility or key conduit of the person, or a key conduit of the gas licensee, mentioned in paragraph (a) or (b);
- (d) to use any wharf or jetty (prescribed in regulations made under section 96) owned or occupied by the person to berth vessels for the gas licensee to load or discharge any material of the gas licensee;
- (e) to use any equipment, apparatus, appliance or facility, or any key conduit, of the person at any wharf or jetty (prescribed in regulations made under section 96) for the gas licensee to load onto or discharge any material of the gas licensee from vessels, or to bring such material to or away from the wharf or jetty;
- (f) to install and use any equipment, apparatus, appliance or facility of the gas licensee at a wharf or jetty (prescribed in regulations made under section 96) owned or occupied by the person, to load onto or discharge from a vessel berthed at the wharf or jetty any material of the gas licensee, or to bring such material to or away from the wharf or jetty.

The Authority may further direct that the gas licensee and the person enter into an agreement with each other concerning the wayleave to maintain the connection or installation, or to continue the use (as the case may be), and any compensation to be paid by the gas licensee to the person. If the parties are unable to agree on the terms for any matter and so are unable to enter into such agreement, either party may request that the Minister establish an Appeal Panel to determine the reasonable terms of that matter.

The parties are also entitled, under subsection (1) of section 93 (Appeal to Minister), to appeal to the Minister if they are aggrieved with any direction of the Authority under the new section 38B. The direction of the Authority must not be enforced pending any appeal.

The new section 38C provides for the effect where an agreement under the new section 38B ceases to be binding. The gas licensee does not have any proprietary rights over the connections or premises by virtue of any wayleave granted or provided under the new section 38B alone. As such, where an agreement under the new section 38B ceases to be binding, notice may be given to the gas licensee to

remove any of the gas licensee's connections, key conduits, usage equipment, equipment, apparatus, appliances or facilities covered by the agreement.

The notice to remove must give the gas licensee at least the period prescribed in regulations made under section 96 to effect the removal.

However, the gas licensee may apply to the Authority for an extension of that period to effect the removal, or for another direction under the new section 38B(1).

If any party is aggrieved with the decision of the Authority pursuant to any such application, the party is entitled to appeal to the Minister under section 93(1). The gas licensee need not comply with the notice to remove while an appeal is pending.

Clause 35 introduces a new section 43A to make it an offence if a relevant facility (as defined in section 38(13)) is repurposed without the prior approval of the Authority through a change in use. The repurposing may or may not be the result of any modification, replacement or disposal of any part of the relevant installation.

Clause 36 amends subsection (4) of section 47 (Unauthorised connection with gas pipeline network, etc.) to clarify how the presumption in the subsection applies in relation to instances in which a person causes or permits any other person to engage in conduct mentioned in section 47(1)(c).

Clause 37 introduces new sections 61AA and 61AB.

The new section 61AA prohibits any person who does not hold a gas importer's licence (central import) from providing gas to a prescribed generation entity, and the consequences of a contravention of the prohibition (unless the Authority otherwise allows). Additionally, the new section 61AA(6) provides that where a contract entered into by a holder of a gas importer's licence (central import) contravenes any condition of the licence, the contract is void to the extent of the contravention.

The new section 61AB requires the holder of a gas importer's licence (central import) to avoid undue preference or undue discrimination as between prescribed generation entities in the terms on which it undertakes to provide gas to any prescribed generation entity.

Clauses 38 to 44 amend sections 63A (Interpretation of this Part), 63B (Control of equity interests and voting powers in, and business of, designated gas licensee, designated entity and designated business trust), 63C (Approval of applications under section 63B), 63D (Power to exempt), 63E (Power to issue directions), 63F (Effect of directions) and 63G (Offences, penalties and defences) in Part 7B (Control of Gas Licensees and Entities with Interest in Gas Pipeline Network). The amendments —

- (a) expand the definition of “designated entity” in section 63A to include an entity that is not a gas licensee but which the Authority is satisfied will engage or is engaging in a licensable activity which is critical to Singapore’s energy security and reliability;
- (b) expand the controls under Part 7B to a “25% controller”, a “50% controller” and a “75% controller”;
- (c) expand the controls under Part 7B to instances where a person ceases to be a 50% controller or a 75% controller;
- (d) in applications for the Authority’s approval for a person to become a 12% controller, a 25% controller, a 30% controller, a 50% controller or a 75% controller, allow the Authority to take into consideration whether associates of the person known to the Authority are fit and proper, and the likely influence of such associates on the conduct of the person’s business; and
- (e) make other amendments necessitated by the above amendments.

Clauses 45 and 46 amend sections 84 (Composition and procedure of Appeal Panel) and 85 (Powers of Appeal Panel), respectively, to make consequential amendments for the purposes of the new section 38B inserted by clause 34.

Clause 47 amends subsection (1)(a) of section 93 (Appeal to Minister) to make reference to the new section 38B(6) so that decisions of the Authority concerning the extension of time under that provision are final.

Clause 48 amends subsection (2) of section 96 (Regulations) to provide that regulations may be made to prescribe anything required to be prescribed or in relation to which regulations may be made under the Gas Act 2001.

## PART 4

### SAVING AND TRANSITIONAL PROVISIONS

Part 4 (comprising clause 49) contains saving and transitional provisions.

Clause 49(1) to (4) provides that the requirement of the prior written approval of the Authority under Part 4A of the Electricity Act 2001 and Part 7B of the Gas Act 2001 do not apply where a person becomes a 25% controller, a 50% controller or a 75% controller, or ceases to be a 50% controller or a 75% controller, after the date clause 11(a) or (b) or clause 39(a) or (b) (as the case may be) comes into operation, if the person so becoming a 25% controller, a 50% controller or a 75% controller, or ceases to be a 50% controller or a 75% controller, is a result of a transaction or a series of transactions entered into before that date.

Clause 49(5) is a saving provision by which gas importer's licences granted or extended before the date of commencement of clause 28(b) are treated as gas importer's licences (non-central import).

Clause 49(6) empowers the Minister to make regulations to prescribe additional provisions of a saving or transitional nature consequent on the enactment of any provision of the Bill as the Minister may consider necessary or expedient.

## EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

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