

No. S 65

CONSTITUTION OF BRUNEI DARUSSALAM
(Order under section 83(3))

ELECTRICITY ACT (AMENDMENT) ORDER, 2002

ARRANGEMENT OF SECTIONS

Section

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(Order under section 83(3))

ELECTRICITY ACT (AMENDMENT) ORDER, 2002

In exercise of the power conferred by subsection (3) of section 83 of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation.

1. This Order may be cited as the Electricity Act (Amendment) Order, 2002.

Amendment of long title to Chapter 71.

2. The long title to the Electricity Act, in this Order referred to as the Act, is amended by adding " , and to create criminal offences in connection therewith".

Insertion of new section 1A.

3. The Act is amended by inserting the following new section immediately after section 1 —

"Interpretation.

1A. In this Act, unless the context requires otherwise —

"authorised officer" means any officer authorised by the Director to carry into effect any provisions of this Act;

"department" means the department responsible for electrical energy services;

"Director" means the Director of the department;

"electrical installation" means any appliance, wire, fitting or other apparatus placed in, on, over or under any premises and used for or for purposes incidental to the conveyance, control or use of electrical energy supplied or intended to be supplied by the department whether the appliance, wire, fitting or apparatus is or is not supplied by the person contracting or undertaking to install the same, and includes a supply installation and any addition, alteration and repair to an electrical installation, but does not include —

- (a) any electric line, supply line or electrical plant of the department;

(b) any appliance, wire, fitting or apparatus connected and beyond any electrical outlet socket which is installed for the purpose of connecting portable electrical appliances, fittings or apparatus and at which fixed wiring terminates; and

(c) any appliance, wire, fitting or apparatus which is placed in, on, over or under any premises owned or occupied by the department which is not used for the consumption of electrical energy on the premises or solely for the purposes incidental to the conveyance or control of electrical energy consumed;

"electrical plant" means any plant, equipment, apparatus or appliance used for, or for purposes connected with, the supply of electrical energy;

"Minister" means the Minister of Development;

"supply installation" means the whole of any plant, or apparatus under one ownership or management, designed for the supply or use, or both the supply and use, as the case may be, of electrical energy (other than electrical energy supplied or used for the transmission of any communication or signal) including any machine supplying mechanical energy to a generator, with all necessary plants, buildings and land in connection therewith, supply lines and consuming apparatus, if any, but does not include any electric line, supply line or electrical plant of the department."

Amendment of section 2.

4. Section 2 of the Act is amended —

(a) by inserting (1) immediately before "Subject" in the first line;

(b) by adding the following subsection —

"(2) Any person who contravenes or fails to comply with this section is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part thereof during which the offence continues after conviction."

Insertion of new sections 3 to 11.

5. The Act is amended by inserting the following new 9 section immediately after section 2 —

"Offences relating to electrical or supply installations.

3. (1) Any person who wilfully tampers with or adjusts any electrical installation or supply installation or any part thereof so as to cause or to be likely to cause danger to human life or limb or damage to any property is guilty of an offence and liable on conviction to imprisonment for a term not exceeding 5 years.

(2) Any person who, by a rash or negligent act or omission, committed or omitted in respect of any electrical installation or supply installation or any part thereof under his control, causes hurt to any person or damage to any property is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

Recovery of charges.

4. (1) If a consumer has not paid any charges due from him to the department in respect of the supply of electrical energy to any premises, the Director may order the discontinuance of the supply to the premises.

(2) Where the supply of electrical energy has been discontinued to any premises in consequence of any default on the part of a consumer, the department may resume the supply within a reasonable time if the consumer in default has —

(a) made such payment at such rate as the Director may determine;

(b) paid the fee prescribed in the Schedule for re-connecting the supply; and

(c) made such other arrangements with the department as the Director may require.

Power to discontinue supply of electrical energy.

5. (1) Where the Director is of the opinion that immediate action is necessary on the occurrence of any emergency, in the interests of public safety or in order to avoid undue interference with the efficient supply of electrical energy supply to other consumers or for the conservation of electrical energy supply or for such other reasons affecting the public interest, the Director may forthwith discontinue the supply of electrical energy to any person.

(2) The Director shall not be liable for any loss or damage caused to any person by such discontinuance of the supply electrical energy to any person.

Restoration of supply without consent.

6. Any person who, without consent of the Director, restores the supply of electrical energy to any premises where such supply has been discontinued by the Director pursuant to section 4 or 5 is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both, and in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part thereof during which the offence continues after conviction.

Damage to property of department.

7. (1) Any person who wilfully or negligently removes, destroys or damages any property belonging to or under the management or control of the department or hinders or prevents the property from being used or operated in the manner in which it is intended to be used or operated is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, imprisonment for a term not exceeding 3 years or both.

(2) Notwithstanding subsection (1), any person who damages or allows to be damaged any electricity cable in the transmission network belonging to or under the management or control of the department is guilty of an offence and liable on conviction to a fine not exceeding \$200,000, imprisonment for a term not exceeding 5 years or both.

(3) Where an offence under subsection (2) is committed by any person acting as the agent or servant of another person, or being otherwise subject to the supervision or instructions of another person for the purposes of any employment in the course of which the offence was committed, without prejudice to the liability of the first-mentioned person, that other person is also liable under that subsection in the same manner and to the same extent as if he had personally committed the offence unless he proves to the satisfaction of the court that the offence was committed without his connivance or that it was not attributable to any neglect on his part.

(4) Any person may apprehend any other person if that other person within his sight commits an offence under this section and shall, on such apprehension, without unreasonable delay hand over that other person so apprehended to a police officer.

(5) In any proceedings for an offence under subsection (2), it shall be a defence for the person charged to prove that he took all reasonable

precautions and exercised all due diligence to avoid the commission of the offence.

Compensation for damaging property of department.

8. (1) Any person who removes, destroys or damages, whether wilfully or otherwise, any property belonging to the department or hinders or prevents the property from being used or operated in the manner in which it is intended to be used or operated is, in addition to any penalty for which he is liable for an offence under this Act, liable to pay compensation for the damage he has done, and such compensation shall be recoverable by civil proceedings.

(2) Subject to subsection (1), any court before which a person is charged with an offence under this Act may assess the compensation payable under this section and may make an order for payment of the same.

(3) Any order made under subsection (2) may be enforced as if it were a judgment in civil proceedings.

Unauthorised connection.

9. (1) Any person who —

(a) dishonestly or fraudulently abstracts, uses or consumes, or dishonestly or fraudulently diverts or causes to be diverted, any electrical energy supplied by the department;

(b) without the written consent of the Director or an authorised officer, supplies for consideration any other person with any electrical energy supplied to him for any purpose by the department; or

(c) alters or tampers with any meter approved by the department,

is guilty of an offence and liable on conviction to a fine not exceeding \$50,000, imprisonment for a term not exceeding 3 years or both, and in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part thereof during which the offence continues after conviction.

(2) Where any person is prosecuted for an offence under paragraph (c) of subsection (1) —

(a) the possession by him of any device for altering the index of any meter or for preventing any meter from duly registering the quantity of electrical energy supplied by the department;

(b) the existence of any hole on the meter cover of any meter approved by the department;

(c) the existence of any damage to the seal which is fastened to the outer cover of any meter to ensure that the cover is not removed, opened, dislodged or otherwise tampered with,

when the meter is in the custody or under the control of that person, shall be *prima facie* evidence that the person has altered or tampered with the meter.

Duty to inquire and inform before excavation.

10. Any person who digs, bores, trenches, grades, excavates or breaks any ground with any equipment or allows his employee or agent to do so without first ascertaining the location of any cable belonging to or under the management or control of the department that may be interfered with is guilty of an offence and liable on conviction to a fine not exceeding \$500.

Amendment of Schedule.

11. The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may by order published in the *Gazette* amend the Schedule."

Amendment of section 3.

6. Section 3 of the Act is amended by renumbering it as section 12.

Addition of Schedule.

7. The Act is amended by adding the following Schedule —

"SCHEDULE

section 4(2)(b)

Fee for re-connecting the supply

\$50".

Made this 23rd. day of Ramadan, 1423 Hijriah corresponding to the 28th. day of November, 2002 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM