

WATER SERVICES INDUSTRY (PERMIT) RULES 2007

PU(A) 438/2007

In exercise of the powers conferred by paragraph 180(g) of the **Water Services Industry Act 2006**[Act 655], the Commission makes the following rules:

31 DECEMBER 2007

JIL. 51,; NO. 26,; 31 DECEMBER 2007,; TAMBAHAN NO. 156 PERUNDANGAN (A)

1. Citation and commencement

- (1) These rules may be cited as the **Water Services Industry (Permit) Rules 2007**.
- (2) These Rules come into operation on 1 January 2008.

2. Interpretation

In these Rules, unless the context otherwise requires:-

"Lembaga" means the Lembaga Pembangunan Industri Pembinaan Malaysia established under the **Lembaga Pembangunan Industri Pembinaan Malaysia Act 1994**[Act 520];

"permit holder" means a person issued with a permit under these Rules;

"permit" means a permit issued by the Commission under these Rules.

3. Eligibility

- (1) The following persons shall be eligible to apply for a permit:
 - (a) a company incorporated in Malaysia;
 - (b) an individual who is a citizen or permanent resident of Malaysia; or
 - (c) a person or class of persons decided by the Commission from time to time to be eligible.
- (2) A person or class of persons shall not be eligible to apply for a permit unless the person or class of persons holds the requisite certificate of registration as a registered contractor issued by the Lembaga to be specified by the Commission from time to time unless the person or class of persons intends to apply for an IPA Type A permit to carry out activities of a plumber.

4. Application for and issuance of a permit

- (1) An applicant for a permit shall submit:-
 - (a) a separate application for each category of work provided in section 50 of the Act in the appropriate form prescribed in the First Schedule;
 - (b) the information required under subrule (2); and

(c) such other information or documents as the Commission may require in writing or pursuant to any administrative guidelines issued by the Commission.

(2) An application for a permit shall contain the following information:

(a) the particulars of the applicant;

(b) the category of work which will be operated or provided by the applicant;

(c) the qualifications of the applicant;

(d) the requisite certificate of registration as a registered contractor issued by the Lembaga, where required; and

(e) such information and documents submitted to the Lembaga for the purposes of being registered as a contractor or consent to access such information and documents directly from Lembaga.

(3) Upon receiving an application for a permit, the Commission may:-

(a) issue a permit on payment of the prescribed fee as set out in the Second Schedule; or

(b) refuse to issue such a permit, where reasons for refusal shall be given to the applicant in writing.

5. Category of permits and forms

(1) A person who intends to carry out any work specified under section 50 of the Act shall be required to have the following permit:

(a) an IPA Type A permit to carry out any construction of, connection of, modification of or repairs to water pipes and water fittings which convey or will convey water from the public mains;

(b) an IPA Type B permit to carry out any works necessary to connect a private connection pipe to a sewer or sewage treatment works;

(c) an IPA Type C permit to carry out any construction of, installation of or modification to any part of a water supply system or sewerage system;

(d) an IPA Type D permit to carry out maintenance services for a water supply system or a sewerage system but which does not involve the operation of such system; or

(e) an IPA Type E permit to undertake, provide or make available sewerage desludging services.

(2) A separate permit shall be required to carry out separate works specified under section 50 of the Act.

(3) A separate permit shall be required to carry out works in different states, except for an IPA Type C permit.

(4) A permit issued under these Rules shall be in the form prescribed in the Third Schedule.

(5) Notwithstanding subrule (1):-

(a) a service licensee under the Act who provides water supply services shall not be required to obtain a permit under paragraph (1)(d) to carry out maintenance services for a water supply system; and

(b) a service licensee under the Act who provides sewerage services shall not be required to obtain:-

(i) a permit under paragraph (1)(d) to carry out maintenance services for a sewerage system; and

(ii) a permit under paragraph (1)(e) to undertake, provide or make available sewerage desludging services.

6. Duration of permits

Unless revoked by the Commission before its expiry, a permit shall be valid for a minimum period of one year but shall not be valid for more than three years from the date of the issuance of the permit.

7. Conditions for all permits

(1) A permit holder shall comply with the conditions of the permit which shall include the following standard conditions:

(a) the permit holder shall only carry out the works, and in the state or states, specified in the permit;

(b) the permit holder shall notify the Commission of any change in particulars of the permit holder;

(c) the permit holder shall provide information, in such format and at such intervals, as may be required by the Commission;

(d) the employees and servants of the permit holder shall be authorized to carry out for the permit holder the works authorized under the permit provided that the permit holder shall at all times be responsible for all acts or omissions of its employees and servants;

(e) the permit holder shall at all times maintain the requisite certificate of registration as a registered contractor issued by the Lembaga, where required;

(f) the permit holder shall at all times have and maintain the qualification to hold a permit as may be specified by the Commission from time to time;

(g) the permit holder shall at all times deal with consumers fairly and reasonably and where applicable, comply with the consumer standards;

(h) the permit holder shall at all times safeguard the safety of the public and its employees and shall at all times comply with relevant occupational, health and safety procedures and regulations imposed by the relevant authority;

(i) the permit holder, its employees and servants shall at all times comply with the applicable health requirements imposed by the relevant health authorities;

(j) the permit holder shall observe and comply with the conditions of the permit and the provisions of the Act and any subsidiary legislation made or other instruments issued under the Act; and

(k) the permit holder shall comply with such other conditions as may be imposed by the Commission from time to time.

8. Renewal of permits

(1) An application for renewal of a permit shall be made two months before the date of the expiry of the permit and the Commission may:-

(a) grant a renewal subject to such variation or revocation of conditions or imposition of additional conditions on payment of the prescribed fee set out in the Second Schedule; or

(b) refuse to grant the renewal, where reasons for refusal shall be given to the applicant in writing.

(2) An applicant for renewal of the permit shall submit:-

(a) the application in the form prescribed in the Fourth Schedule; and

(b) such other information or documents as the Commission may require in writing or pursuant to any administrative guidelines issued by the Commission.

9. Transfer of permits

Permits are personal to the permit holder and shall not be assigned, sublicensed or transferred to any person.

10. Revocation or suspension of permits

(1) The Commission may by written notice revoke a permit issued under these Rules or suspend the permit for such period as it thinks fit if:-

(a) the permit holder fails to comply with any of the conditions of the permit;

(b) the permit holder fails to comply with any of the provisions of the Act or its subsidiary legislation;

(c) the permit holder had improperly or illegally obtained the permit;

(d) the permit holder has been convicted of an offence under the Act or its subsidiary legislation;

(e) a receiver, receiver or manager, provisional liquidator or like official has been appointed over the whole or substantial part of the permit holder's assets and such appointment is not revoked or annulled within a period of sixty days from the date of such appointment;

(f) the permit holder is declared a bankrupt;

(g) the permit holder ceases to carry on its business; or

(h) there has been any act or default on the part of the permit holder or there has been a change of circumstances such that the permit holder would no longer be entitled to be granted a permit under the Act or these Rules.

(2) Before the Commission makes a decision under subrule (1), the Commission shall give the permit holder:-

(a) a written notice of the Commission's intention to revoke or suspend the permit; and

(b) an opportunity to make written submissions within a period specified in the written notice which shall not be less than thirty days from the date on which the notice is served on the permit holder.

(3) After the expiry of the period specified in the notice, the Commission shall, after considering any written submissions made by the permit holder, decide whether or not to revoke or suspend the permit and notify the permit holder in writing of its decision and the period of suspension, in the case of a suspension.

(4) The permit holder shall not be entitled to any form of compensation from the Commission if the permit is revoked or suspended in accordance with these Rules.

(5) The revocation or suspension of the permit shall take effect on:-

(a) a date specified by the Commission in the written notice given under subrule (3); or

(b) if no date is specified in the written notice under subrule (3), on the expiry of thirty days from the date on which the notice is served on the permit holder.

11. Replacement of permits

(1) Where a permit is lost or destroyed, a permit holder shall lodge a report with the Commission in respect of the loss or destruction.

(2) An application for a replacement of a permit shall be made in writing to the Commission and shall be accompanied by any information as required by the Commission and the fee prescribed for its replacement as set out in the Second Schedule.

(3) If the Commission is satisfied that the loss or destruction of a permit was not the result of any fraud, the Commission may issue a replacement permit in the same form as the original but with the word "DUPLICATE" endorsed on the permit.

(4) The duplicate of the permit issued subrule (3) shall have the same effect as the original permit.

12. Certified true copy of a permit

(1) A permit holder may apply to the Commission in writing to obtain a certified true copy of his permit.

(2) Upon payment of the prescribed fee as set out in the Second Schedule, the Commission shall provide a certified true copy of the relevant permit to the permit holder.

13. Fees

(1) The fees to be paid in respect of a permit shall be as prescribed in the Second Schedule.

(2) The fees referred to in subrule (1) shall be paid to the Commission by such means and in such manner as the Commission may decide from time to time.

14. Extension of time

Notwithstanding anything contained in these Rules or in any request by the Commission, where a time period is specified under the Rules or in any request by the Commission for an act to be done or a

condition to be fulfilled, the person affected may request from the Commission for an extension of such time in writing and the Commission may grant such extension of time as it deems fit.

FIRST SCHEDULE

[subrule 4(1)]

WATER SERVICES INDUSTRY ACT 2006

WATER SERVICES INDUSTRY (PERMIT) RULES 2007

APPLICATION FOR A PERMIT

Note:

Separate application forms must be submitted for each State with respect to the following types of permits:

- (a) IPA Type A permits;
- (b) IPA Type B permits;
- (c) IPA Type D permits; and
- (d) IPA Type E permits.

To:

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Suruhanjaya Perkhidmatan Air Negara

*I/We, the undersigned, hereby apply for *IPA Type A1/A2/IPA Type B/IPA Type C1/C2/C3/C4/IPA Type D/IPA Type E Permit

to (state purpose of permit)

in accordance with the provisions of the Water Services Industry (Permit) Rules 2007 and submit the following particulars:

1. Particulars of Application (if not a company)

- (a) Name of applicant:
- (b) Position : of applicant in firm, etc.:
- (c) Address of applicant:-:
- (i) Business.:
- Telephone No.:
- (ii) Residence.:
- (d) Nationality.:

2. Particulars of Company

- (a) Name of company:
- (b) Company's registration No.:
- (c) Company's address:
- (d) Paid up capital:

(e) Authorised capital:

(f) Year of incorporation:

(g) Name of company's bankers

3. State or states in which the applicant is to carry out works permitted under the permit:

4. Particulars of qualification and experience sheet if required)

(a) Total years of experience of the applicant:

(b) Please attach a list of qualifications if any.

(c) Experience of applicant (if an individual)

No.	Name	Nationality	Qualification	Experience

5. A certified true copy of the applicant's certificate of registration issued by the Lembaga.

*I/Wethe applicant hereby:

(a) declare in accordance with the provisions of the Statutory Declarations Act 1960 [Act 13] that all the information given in this application is true and accurate;

(b) grant my/our consent and authorise the Commission to access and obtain all such information and document submitted to the Lembaga when applying for my/our certificate of registration as a registered contractor; and

(c) further consent to authorise the Lembaga to release such information and document to the Commission, where the same is required by the Lembaga.

Note: The applicant is not required to physically submit the information and documents submitted to the Lembaga provided that the Commission is granted access to and is able to obtain such information and documents directly from the Lembaga.

*Delete where inapplicable

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Signature of applicant

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For and on behalf of applicant

(Company Seal)

SECOND SCHEDULE

[subrules 4(3), 8(1), 11(2), 12(2) and rule 13]

FEES TO BE PAID IN RESPECT OF A PERMIT

No.	Type of Fees	Category of Permit				
		IPA	IPA	IPA	IPA	IPA
		Type A (RM) for each State	Type B (RM) for each State	Type C (RM) for all States	Type D (RM) for each State	Types E (RM) for each State

1.	Processing Fees for application of permit	30		30	100		30	30
2.	Grant of permit	A1	100 per year	300 per year	C1	5,000 per year	900 per year	900 per year
					C2	2,000 per year		
		A2	200 per year	C3	750 per year			
				C4	200 per year			
3.	Renewal of permit	A1	50 per year	300 per year	C1	5,000 per year	900 per year	900 per year
					C2	2,000 per year		
		A2	100 per year	C3	750 per year			
				C4	200 per year			
4.	Replacement of permit	50		50	50	50	50	
5.	Certified true copy of permit	10		10	10	10	10	

Notes:

- 1 - Type A1 : refers to construction, connection, modifications or repairs of section of service water pipe after the meter point and internal plumbing
- Type A2 : refers to construction, connection, modifications or repairs of water supply system as prescribed under Type A1 above and communication pipe
- 2 - Type C1 : For tendering and/or undertaking a project or works exceeding RM10,000,000
- Type C2 : For tendering and/or undertaking a project or works exceeding RM2,000,000 but not exceeding RM10,000,000
- Type C3 : For tendering and/or undertaking a project or works exceeding RM200,000 but not exceeding RM2,000,000
- Type C4 : For tendering and/or undertaking a project or works works not exceeding RM200,000

THIRD SCHEDULE

[subrule 5(2)]

WATER SERVICES INDUSTRY ACT 2006

WATER SERVICES INDUSTRY (PERMIT) RULES 2007

IPA TYPE A/B/C/D/E* PERMIT

Permit Number:

Name of permit holder:

Address of permit holder:

Purpose of permit:

State or states in which the works may be carried out:

Permit is valid from: to

Permit subject to terms and conditions as attached.

Permit fee:

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Suruhanjaya Perkhidmatan Air Negara

Receipt No.:

Date of *issue/renewal:

*Delete where inapplicable

FOURTH SCHEDULE

[subrule 8(2)]

WATER SERVICES INDUSTRY ACT 2006

WATER SERVICES INDUSTRY (PERMIT) RULES 2007

APPLICATION FOR A RENEWAL OF PERMIT

Note:

Separate application forms for renewal must be submitted for each State with respect to the following types of permits:

- (a) IPA Type A permits;
- (b) IPA Type B permits;
- (c) IPA Type D permits; and
- (d) IPA Type E permits.

To:

[]

Suruhanjaya Perkhidmatan Air Negara

*I/We, the holder of *IPA Type A1/A2/IPA Type B/IPA Type C1/C2/C3/C4/IPA Type D/IPA Type E Permit

No.

hereby apply for a renewal of *my/our permit in accordance with the provisions of the Water Services Industry (Permit) Rules 2007 and submit the following particulars:

1. Particulars of Application (Firm or Company)

- (a) Name of applicant
- (b) Address of applicant:
- (c) Telephone No.:
- (d) Name of company:
- (e) Position of applicant in firm, etc.:
- (f) State or states in which the works permitted under the permit are to be carried out:
- (g) Please specify the category of permit issued previously by the Commission:

IPA TYPE/PERMIT NO.:

- (i) IPA Type A Permit No.:
- (ii) IPA Type B Permit No.:
- (iii) IPA Type C Permit No.:
- (iv) IPA Type D Permit No.:

(v) IPA Type E Permit No.:

(h) If any previous permit issued to the applicant by the Commission has been revoked or suspended, please specify details:

IPA Type	Permit No.	Duration
(i) IPA Type A		
(ii) IPA Type B		
(iii) IPA Type C		
(iv) IPA Type D		
(v) IPA Type E		

(i) Particulars of qualification and additional sheet if required)

(i) Total years of experience of the applicant:

(ii) Please attach a list of qualifications and major projects undertaken by the applicant, if any.

(iii) Experience of applicant (if an individual) or applicant's employees:

No.	Name	Nationality	Qualification	Experience

(j) A certified true copy of the applicant's Lembaga.(k) Has applicant been convicted in any court of law for an offence during the tenure of the previous permit issued under these Rules?

*YES/NO

If yes, please specify:

(l) Has there been any material change in the *firm/company since the previous permit was issued under these Rules?

*YES/NO

*I/We the applicant hereby:

(a) declare in accordance with the provisions of the Statutory Declarations Act 1960 [Act 13] that all the information given in this application is true and accurate; and

(b) grant my/our consent and authorise the Commission to access and obtain all such information and document submitted to the Lembaga when applying for my/our certificate of registration as a registered contractor; and

(c) further consent to authorise the Lembaga to release such information and document to the Commission, where the same is required by the Lembaga.

Note: The applicant is not required to physically submit the information and documents submitted to the Lembaga provided that the Commission is granted access to and is able to obtain such information and documents directly from

the Lembaga.

* Delete where inapplicable

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Signature of applicant

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For and on behalf of applicant

(Company Seal)