



Repealed by ..... Act 447 .....

# LAWS OF MALAYSIA

**Act 277**

**ELECTRICAL INSPECTORATE ACT 1983**

*Repealed in  
Act 447*

Date of Royal Assent ... 9th Mac 1983

Date of publication in *Gazette* ... 10th Mac 1983

## LAW OF MALAYSIA

Act 277

## ELECTRICAL INSPECTORATE ACT 1983

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LAWS OF MALAYSIA

Act 277

*Repeal by Act 467*

ELECTRICAL INSPECTORATE ACT 1983

An Act to provide for the control of electrical installation, plant and equipment with respect to matters relating to safety of persons and for purposes connected therewith.

[ *1st January 1984* ]

*Except Sarawak*

*Pu(B)649/83*

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

1. (1) This Act may be cited as the Electrical Inspectorate Act 1983.

Short title and application.

(2) This Act shall apply throughout Malaysia; however the Minister may by order suspend the operation of the whole or any of the provisions of this Act in any State.

2. In this Act, unless the context otherwise requires—

Interpretation.

“aerial line” means an electric supply line which is placed above the ground and in open air, and includes service lines;

“arbitration” means arbitration under and in accordance with section 25;

“area of supply” means the area within which a supply authority or licensee is authorised to generate and/or supply energy;

“authorized person” means a person appointed by the management or the owner of an installation, or by a contractor, acting as an agent for and/or on behalf of the management or owner, to carry out certain duties incidental to the generation, transmission, distribution and utilisation of energy: provided that the said person possesses the qualifications prescribed for persons performing those duties, or if no qualifications are prescribed, is competent for the purpose for which he is employed, the burden of proof of competency being on the employer;

56/65.  
Sabah  
Cap. 68.  
Sarawak  
Cap. 81.

“Collector of Land Revenue” has the meaning assigned to “Collector” by section 5 of the National Land Code and section 4 of the Land Ordinance of Sabah and for the State of Sarawak, the Director of Lands and Surveys by section 2 of the Land Ordinance of Sarawak;

“competent person” means a person who holds a certificate of competency issued by the Director General to perform work in accordance with the restrictions, if any, stated in the certificate;

“conductor” means an electrical conductor arranged to be electrically connected to a system;

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

“conversion” means the conversion of alternating current to direct current or *vice versa* by static or dynamic means;

“danger” means danger to health or to human life or limb from shock, burn, or other injury and includes danger to property, installation or equipment resulting from the generation, transmission, distribution or utilisation of energy;

“dead”, applied to any system or part of a system, means that it is not live or alive;

“Director” means an officer appointed under section 3 and includes the Director General;

“Director General” means the Director General of the Electrical Inspectorate appointed under this Act;

“dishonestly” has the meaning assigned thereto in the Penal Code;

F.M.S. Cap. 45. AAS88

“energy” means electrical energy or electricity when generated, transmitted, distributed or utilised for any purpose except the transmission of any communication or signal; ~~electricity unless otherwise defined is an article as provided for under section 3 of the Factories and Machinery Act 1967;~~

d/AAS88

Act 139.

“equipment” includes any item for such purposes as generation, conversion, transmission, distribution or utilisation of electrical energy, such as machines, transformers, apparatus, measuring instruments, protective devices, wiring materials, accessories and appliances;

“extra high voltage” means a voltage normally exceeding three thousand volts;

“generating station” means any station for generating energy, including any buildings and plant used for the purpose, and the site thereof, and includes a site intended to be used for a generating station, but does not include any station for transforming, converting, or distributing energy;

“generator” means a rotating machine of any type for changing mechanical energy into electrical energy;

“grievous hurt” and “hurt” have the meanings assigned thereto respectively in the Penal Code;

F.M.S. Cap. 45.

“installation” means the whole of any plant or equipment under one ownership or, where a management is prescribed, in charge of the same management, designed for the supply or use, or both, as the case may be, of energy; including prime movers, if any, with all necessary plant, buildings and land in connection therewith, pipe line, supply line and consuming apparatus, if any;

“insulated” means covered or protected by insulating material;

“insulating”, used as an epithet to characterise any substance, means of such size, quality and construction, according to circumstances, as to afford adequate protection from danger;

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this Act;

“licence” means a licence issued under this Act permitting the licensee to operate or work an installation and include any licence issued under any other law enforced before the promulgation of this Act;

“licensee” means a person permitted by licence to work or operate an installation and includes an authorized agent;

“live” or “alive”, applied to a system or any part of any system, means that a voltage exists between any conductor and earth or between any two conductors in the system;

“mains” means a supply line through which energy is or can be supplied, whether the line is in use or not;

“main supply line” means any high voltage or extra high voltage supply line for transmitting energy from a generating station to another generating station or to a sub-station and includes any building or part of a building used in connection with such supply line;

“management” means the person for the time being placed in charge of an installation;

“motor” means a motor of any type for the transformation of electrical energy into mechanical energy;

“prescribed”, unless otherwise specified, means prescribed by regulations made under section 38;

“prime mover” means a machine supplying mechanical energy to a generator;

“private installation” means an installation operated by a licensee or owner solely for the supply of energy to and use thereof on the licensee’s or owner’s own property or premises, or, in the case of a consumer taking energy from a public installation, for use only on the licensee’s or owner’s property or premises;

“private safety” means the obviation of danger to individuals or to private property;

“public installation” means an installation operated by a licensee for the supply of energy to any person other than the licensee; provided that the licensee may use energy for his own purposes where the use is consistent with the terms of the licence;

“public lamp” means an electric lamp used for the lighting of any street or other public place;

“public safety” means the obviation of danger to the general public, to public property and to streets, railways, airports, ports, canals, docks, wharves, piers, bridges, gas-works and their appurtenances and telegraphic, telephonic and other electrical signalling lines owned or operated by the Federal Government or any State Government;

“reserved land” means land reserved for a public purpose, railway reserves and forest reserves;

“State land” does not include reserved land and alienated land;

“street” includes any way, road, lane, path square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way and also the roadway and footway over any public bridge;

“supply authority” means any statutory authority established by an Act of Parliament or any other law to generate and/or supply energy;

“supply line” means a conductor or conductors or other means of conveying, transmitting or distributing energy, together with any casing, coating, covering, tube, pipe, insulator or post enclosing, surrounding or supporting the same or any part thereof, or any building or equipment connected therewith for the purpose of transforming, conveying, transmitting or distributing energy;

“system” means an electrical system in which all the conductors and equipment are electrically or magnetically connected;

“transformation” means the transformation of voltage from lower to a higher voltage or *vice versa*.

PART II

ESTABLISHMENT

Appoint-  
ment of  
officers.

3. (1) There shall be appointed an officer to be styled the Director General of Electrical Inspectorate and such numbers of Deputy Director Generals, Directors, Deputy Directors and Assistant Directors as may be necessary for the purposes of this Act.

(2) There shall be appointed such other officers as may be expedient for the performance of such duties as may be prescribed under this Act.

(3) All Deputy Director Generals, Directors, Deputy Directors, Assistant Directors and all officers appointed under subsection (2) shall be subjected to the direction and supervision of the Director General.

PART III

FUNCTIONS, DUTIES AND POWERS OF INSPECTORATE

Functions  
and duties.

4. The Director General, Deputy Director Generals, Directors, Deputy Directors, Assistant Directors of Electrical Inspectorate and such other officers shall carry out such functions and duties as follows:

- (a) to regulate the interval and manner in which any electrical installation or equipment shall be inspected;
- (b) to devise the nature of test to be employed and to prescribe minimum qualifications and practical experience for any purpose in the pursuance of this Act;
- (c) to investigate any accident or fire involving any electrical installation;
- (d) to provide, where necessary, for the registration of installations, electrical contractors and manufacturers, and competent persons;
- (e) to issue licences for public and private installations;
- (f) to prescribe the minimum standards and specifications and appraise and approve, where necessary, any electrical installation or equipment;

(g) to carry on all such other activities as may appear to the Director General requisite, advantageous or convenient for the purpose of carrying out or in connection with the performance of his functions and duties under this Act.

5. (1) A Director may for the purposes of discharging any of his duties or carrying out any of his functions under this Act or any regulations, or otherwise for any of the purposes of this Act or any regulations to enter—

Power of entry, inspection, examination, seizure or seal.

(a) at any reasonable time upon any land, house or building with or without supply of energy to inspect and examine any part of an installation or equipment, or for other proper cause;

(b) upon any land, house or building if he is under reasonable suspicion that an offence is being committed under this Act and may seize or seal any article or thing or installation or part thereof, as the case may be.

(2) A Director shall at all times carry an official identification card or badge in such form as may be prescribed, and no person shall be obliged to admit to his land, house or building any person, purporting to be a Director except upon production of the identification card or badge.

6. Any person who—

Obstruction an offence.

(a) wilfully delays;

(b) fails to comply with any order lawfully given by;

(c) wilfully withholds any information from; or

(d) obstructs in any manner, whatsoever,

a Director in the exercise of his functions, duties and powers, shall be guilty of an offence and on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding two years or to both.

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PART IV

LICENSED AND REGISTERED INSTALLATIONS

Licence  
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terms,  
conditions  
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of licences.

7. (1) Subject to such exemptions as may be prescribed, no person, other than a supply authority, shall—

- (a) use, work or operate or permit to be used, worked or operated any installation; or
- (b) supply to or for the use of any other person energy from any installation,

except under and in accordance with the terms of a licence expressly authorizing the use or supply, as the case may be.

(2) Licences may be granted by the Director General with the consent of the Minister on payment of such fees as may be prescribed.

(3) No licence shall be capable of being transferred unless the written consent of the Minister to the transfer be evidenced upon the licence.

(4) Licences shall be subject to such conditions as may be prescribed and to such further conditions, if any, as may in each several case be imposed by the Director General, the last-mentioned conditions shall be set out in the licence.

(5) Licences may be for such periods as the Director General may in each several case approve:

Provided that no licence shall without the express approval of the Minister be for a period exceeding twenty-one years.

(6) The period of duration of every licence shall be set out therein, and in every licence for a public installation there shall be set out—

- (a) the area of supply;
- (b) the declared voltage and the variations permitted therefrom;
- (c) the maximum charges payable by consumers; and
- (d) such other matters as the Director General may consider necessary.

8. (1) Whenever it appears to the licensee that it will or probably will be necessary to exercise the powers conferred by this Act upon the licensee in respect of any land other than State land for the purpose of constructing an installation or part of an installation, the licensee or any person authorized by the licensee in that behalf may, after not less than twenty-four hours' previous notice to the occupier thereof, if any, enter upon the land and may survey and take levels and do all other acts necessary to ascertain the suitability of the land, so far as the same may be possible without causing damage or disturbance.

Power to enter on and examine land.

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

(3) In the case of reserved land, the notice under subsection (1) may be given to the officer or other person in charge of the reserved land or, in default of any such officer or person, to the Collector of Land Revenue.

9. (1) Subject to as hereinafter provided, whenever it is necessary so to do for the purpose of installing any system of distribution of energy under this Act, a licensee may lay, place or carry on, under or over any land, other than State land, such posts and other equipment as may be necessary or proper for the purposes of the licensed installation, as the case may be, and may take such other action as may be necessary to render the installation safe and efficient, paying full compensation in accordance with section 13 to all persons interested for any disturbance, damage or disability that may be caused thereby; the compensation may include an annual payment for land used for the purpose of the posts or other equipment.

Power to enter on land for purposes of construction.

(2) Before entering on any land for the purpose specified in subsection (1), the licensee shall give notice stating as fully and accurately as possible the nature and extent of the acts intended to be done. The notice shall be substantially in the form set out in the Schedule and the Collector of Land Revenue shall specify a date upon which the State Authority shall enquire into any objections that have been made as hereinafter provided.

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(3) The aforesaid notice shall be given—

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

(b) in the case of reserved land, to the officer or other person in charge of the reserved land or, in default of any such officer or person, to the Collector of Land Revenue,

and may be sent by registered post or left at the usual or last known place of abode of the person to whom it is to be given or served by the Collector of Land Revenue at the expense of the licensee, either in the manner herein before provided or in the manner provided for the service of notices by any written law relating to land in force in the State where the land is situate.

(4) Any of the persons mentioned in subsection (3) may, within fourteen days of the receipt of the notice therein referred to, lodge an objection to the intended acts of the licensee. The objection may be made to the Collector of Land Revenue, either verbally or in writing, and the Collector shall give notice of the objection to the State Authority and to the licensee.

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

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

(7) Upon the conclusion of the enquiry the Collector may either unconditionally or subject to such terms, conditions and stipulation as he thinks fit, make an order authorizing or prohibiting any of the acts mentioned in the notice given under subsection (2):

Provided that any party who is dissatisfied with the Collector's order may appeal against such an order to the State Authority which may then uphold, set aside or vary the order upon such terms, conditions and stipulation as it thinks fit.

(8) The State Authority may, if it thinks fit, in lieu of making an order under subsection (7), direct the acquisition of any land or part of any land included in a notice given under subsection (2).

(9) The decision of the State Authority under this section shall be final.

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← AA588

10. Whenever it is necessary so to do for the purpose of maintaining or repairing any licensed installation or any part thereof, the licensee, or any person authorized by him in that behalf, may at all reasonable times enter upon any lands on, under or over which supply lines have been laid, placed or carried, or upon which posts or other equipment have been erected, and may carry out all necessary repairs, and may, in the course thereof, fell or lop trees, remove vegetation and do all other things necessary to the said purpose, causing as little damage as possible and paying full compensation in accordance with section 13 to all persons interested for any damage that may be caused thereby for which compensation has not already been assessed under section 9.

Maintenance and repair of installation.

11. (1) Where a supply line has been laid, or posts or equipment erected, on any land under section 9, any of the persons mentioned in section 9 (3) desires to use the land in such a manner as to render it necessary or convenient that the line, posts or equipment should be removed to another part of the land, or to a higher or lower level, or altered in form, he may require the licensee, to remove or alter the line, posts or equipment accordingly.

Removal or alteration of supply line, etc.

(2) (a) If the licensee omits to comply with the requisition, the person may apply in writing to the State Authority which may, in its discretion, after enquiring into all the facts of the case, reject the application or make an order, either absolutely or subject to conditions for the removal or alteration of the line, posts or equipment. The order shall provide for the payment of the cost of executing the removal or alteration by the licensee or by the person making the application, as the State Authority may consider equitable in the circumstances of the case.

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(b) The State Authority may, instead of itself enquiring into a case under this subsection, direct the Collector of Land Revenue to make such enquiry on its behalf and to make recommendations to it.

(3) Whenever the State Authority has made an order for the removal or alteration of any main supply line, the licensee, may instead of removing or altering the supply line, apply to the State Authority to direct the acquisition of such land as is required for the purposes of the line, and the State Authority may direct acquisition accordingly.

(4) Whenever the State Authority is authorized by this section to direct the acquisition of any land, the licensed installation shall be deemed to be a work of public utility and any written law relating to land acquisition in force in the State where the land is situate shall be put in force accordingly.

(5) Whenever a supply line has been laid, or posts or equipment erected, on State land by a licensee and the land is subsequently alienated to any person, the owner or occupier of the land may, unless the terms of alienation expressly provide otherwise, require the removal to another part of the land, or to higher or lower level, or the alteration of the line, posts or equipment, and subsections (1) to (4) shall apply to any such requisition:

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

*S.S. Cap.*  
*133.* (6) This section shall be without prejudice to sections 23 to 125 of the Municipal Ordinance of the Straits Settlements.

*Saving of  
wayleave  
agreements.*

12. (1) Nothing in section 9 or section 11 shall—

- (a) affect the right of a licensee to enter into an agreement, commonly known as a wayleave agreement, with the owner or occupier of any land for the purpose of carrying a supply line across the land; or
- (b) affect any such wayleave agreement subsisting at the commencement of this Act.

(2) Notwithstanding any written law relating to land, the Registrar, upon the production to him of the original and the deposit with him of a certified copy of any such wayleave agreement as is referred to in subsection (1), shall cause to be made on the register document of title relating to the land affected by the wayleave agreement a note of the existence of the wayleave agreement.

(3) Where a wayleave agreement relates to land which is a holding included in the Interim Register—

(a) subsection (2) shall apply as if “Commissioner” and a “appropriate folio of the Interim Register” were substituted for “Registrar” and “register document of title” respectively; and

(b) when final documents of title are issued for the land under section 39 of the National Land Code (Penang and Malacca Titles) Act 1963, any note made pursuant to that subsection as varied by paragraph (a) shall (if it is still effective immediately before the issue of those documents) be entered by the Commissioner on the register document of title and shall continue to have effect as if it had been entered under that subsection.

(4) So long as there remains on the register document of title or the appropriate folio of the Interim Register a note made pursuant to subsection (2) or (3), all dealings with the land to which the note relates shall be deemed to be subject to the rights of the licensee under and by virtue of the wayleave agreement in respect of which the note has been made.

(5) Where a note or registration of a wayleave agreement made before 1st January 1966, pursuant to subsection (2) or (3) as then in force remained effective immediately before that date, then, for the purposes of subsection (4)—

(a) it shall be regarded as a note made pursuant to subsection (2); or

(b) if it relates to land included as a holding in the Interim Register it shall be entered on the appropriate folio of the Interim Register and shall then be regarded as a note made pursuant to subsection (3).

(6) In this section—

2/63. “Commissioner” and “Interim Register” have the meanings assigned thereto respectively by the National Land Code (Penang and Malacca Titles) Act 1963;

56/65. “Registrar” has the meaning assigned to it by the National Land Code.

Compensation.

13. (1) The amount of compensation, if any, payable under section 9 or 10 shall be assessed by the Collector of Land Revenue after such enquiry as he shall deem sufficient:

Provided further that no compensation shall be payable by the licensee in respect of any tree within fifty feet of the centre line of any road constructed or maintained by State Government or by any local authority unless it is proved that the tree was in existence prior to the construction of the road.

(2) Any person aggrieved with the Collector’s assessment may appeal to the State Authority whose decision shall be final.

Determination of compensation by court.

14. Except as otherwise provided in this Act, in all cases where compensation is directed to be paid by this Act the amount of the compensation may in default of agreement, be claimed and determined by action or suit in any court.

Reduction or cessation of supply: liability.

15. (1) Any licensee may reduce, as he may think fit, the quantity of energy supplied to any consumer if, by reason of any unforeseen circumstances energy generated is insufficient to enable the full quantity to be conveniently supplied.

(2) Where the quantity of energy has been reduced as aforesaid—

(a) no liability shall be incurred by the licensee in respect of any loss or damage caused by the reduction; and

(b) in appropriate cases, an abatement in the charges for the supply of energy shall be made in proportion in the reduction made.

(3) Any licensee, shall not be liable for any damage to person or property or for any cessation of the supply of energy which may be due to unavoidable accident, fair wear and tear or overloading due to unauthorized connection of equipment, or to reasonable requirements of the system, or to defects in any installation not provided by the licensee, but shall be liable only when the damage or cessation is shown to have resulted from negligence on the part of persons employed by the licensee, his agents or servants, as the case may be, or from faulty construction of the installation.

16. (1) Before the issue of any licence the Director General may require such security as he may specify shall be furnished for the due observance of the terms and conditions of the licence and of this Act.

Security: suspension of and revocation of licence.

(2) A licence may at any time be suspended or revoked by the Director General on breach of any of the conditions thereof or in default of payment of any moneys accrued due thereunder, or if the licensee ceases to work or operate the installation in respect of which the licence has been granted:

Provided that, where a licence has been suspended or revoked on the ground that the licensee has ceased to work or operate an installation, the licensee may, if he considers that he has suffered or may suffer undue hardship by reason of the suspension or cancellation, appeal to Minister against the suspension or cancellation, and the decision of the Minister on the appeal shall be final.

(3) The licensee shall not be entitled to compensation for any loss caused to him by the suspension or revocation of a licence under this section.

(4) Upon termination of a licence, the licensee shall remove his installation and equipments within three months from the date of termination whereby failure to remove thereof shall render the licensee liable for all costs whatsoever incurred in the removal thereof and such costs may be recovered from the security deposited (if any) under subsection (1).

17. A licensee who is, by the conditions of his licence, restricted to using or supplying energy for specified purposes only, shall not use or supply energy for any purpose other than those so specified.

Restriction of use to specified purposes.

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18. When any electrical equipment belonging to a licensee has been placed in or upon premises not owned or occupied by the licensee, for the purpose of supplying or measuring energy, such equipment shall not be subject to distress nor be liable to be taken in execution under any process of a court or in any bankruptcy or insolvency proceedings against any person.

Registration  
of installa-  
tions.

19. (1) Before the completion of a new installation, other than an installation belonging to a supply authority, the owner thereof shall forward, in duplicate, to the Director, an application for registration in the prescribed form. The Director shall cause inspection and tests to be made within the prescribed period and, if the installation satisfies the requirements of this Act, shall issue or cause to be issued a Certificate of Registration in the prescribed form:

Provided that at any time from the date of the commencement of this Act until such date as the Minister may by notification in the *Gazette* appoint it shall be lawful for the Director at his discretion without causing any inspection or tests to be made to issue in respect of any such installation a provisional Certificate of Registration to be valid for such period and to be subject to such conditions as may be endorsed thereon and any reference in this Act to a Certificate of Registration shall unless the context otherwise requires be deemed to include a reference to a provisional Certificate. Any such provisional Certificate shall be deemed to have had effect from such date as the Director may endorse thereon at the time of issuing the same. Any such provisional Certificate may be revoked or cancelled by the Director at any time at his discretion.

(2) No person shall possess or operate an installation, unless the installation is registered on a valid Certificate of Registration.

(3) Certificates of Registration shall be surrendered by the owner or licensee to the Director for cancellation if the installation is no longer required to be used. Thereafter, if the owner or licensee wishes to operate the installation again, the said installation shall be treated in all respects as if it were a new installation.

(4) A Certificate of Registration may be cancelled in accordance with regulations made under section 38.

(5) Certificates of Registration shall not be transferred without the permission of the Director General.

20. (1) Subject to any exemption granted under this Act any person who intends to construct, extend or alter an installation shall give notice of the proposed construction, extension or alteration to a Director. Such person or a person authorised by him shall submit plans and obtain prior approval from a Director who may periodically inspect the installation thereof.

Periodical inspections of installations.

(2) In addition to periodical inspections during construction, extension or alteration and final inspections on completion, all installations, while in operation, shall be subject to such periodical inspections as may be prescribed.

(3) The management or persons in charge of any installation or the construction, extension or alteration of any installation shall afford full facilities for inspection during working hours.

PART V

COMPETENT CONTROL

21. (1) No installation or electrical plant or equipment other than those owned or managed by a supply authority shall be worked or operated except by or under the control of persons possessing such qualifications and holding such certificates as may be prescribed, and no person not possessing the qualifications or holding a certificate as aforesaid shall be in charge of any installation or shall control the operation of any electrical plant or equipment.

Persons in charge.

(2) Any person who contravenes this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit and, if the contravention be continued, to a fine not exceeding five hundred ringgit for every day or part of a day during which the contravention is continued after conviction.

PART VI

NOTIFICATION OF ACCIDENT OR FIRE

Serious accidents to be reported. Investigation by the Director General.

22. (1) Whenever any accident or a fire causing or resulting in loss of life or hurt to any person or serious damage to property has occurred in connection with any installation or electrical plant or equipment, the owner or licensee thereof and the management thereof shall report the accident or fire to a Director by the quickest means available, and subsequently with the least possible delay shall report in writing to a Director the facts of the matter so far as they are known to them respectively.

(2) The Director shall, as soon as practicable after receipt of the first report—

- (a) visit the place where the accident or fire occurred;
- (b) make a preliminary investigation of the circumstances;
- (c) record in writing his findings which may be supported by relevant photographs, upon the investigation;
- (d) be provided with photographs, medical reports or other relevant documents from any person or authority without any payment of fees and such person or authority shall comply with such request thereof;
- (e) forward his report to the Director General; and
- (f) if there has been any loss of life or there is reason to believe that any person has been fatally injured, send a copy of his finding to the nearest magistrate.

(3) In the event of loss of life or grievous hurt to any person due to any accident or fire in connection with any installation or electrical plant or equipment, no alteration or addition shall without the consent of a

Director be made to any part of the installation, plant or equipment which may have contributed to cause the accident or fire nor shall any alteration be made, without that consent, to the site of the accident or fire until a Director has completed his investigation:

Provided that nothing herein contained shall operate to interfere with rescue work or work necessary for the general safety of life or property.

(4) If upon a preliminary investigation under subsection (2) it appears to the Director making the investigation that there is reason to believe that the accident or fire was due to any failure to comply with this Act or to neglect of any lawful order given by a Director, or if the Director making the investigation as aforesaid is satisfied that the accident or fire might have been prevented if proper precautions had been taken and observed in the working of any installation or electrical plant or equipment, the Director General or a Director authorised by him may further investigate the circumstances of the accident or fire together with the Director making the preliminary investigation and if in the opinion of the Director General that criminal proceedings shall lie against any person then he shall forward to the Deputy Public Prosecutor a copy of the Director's report with his opinion on the circumstances and findings.

(5) Any person concerned in any investigation held under this section may be entitled, upon payment of the prescribed fees, to receive a copy of the report of the Director, of the opinion of the Director General, and of statements, if any, taken in evidence by the Director or Director General, as the case may be.

(6) Any person who, without lawful excuse, contravenes or fails to comply with subsections (1) and (3) shall be guilty of an offence under this Act and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

(7) Notwithstanding anything contained in this section, a preliminary investigation under subsection (1) may be carried out, and the consent mentioned in subsection (3) may be given by the Director General.

PART VII

ENQUIRY AND ARBITRATION

Procedure  
in  
relation to  
enquiry  
and  
arbitration.

23. (1) In the event of any difference of opinion between a licensee and a Director or between the management or owner of any installation or equipment and a Director regarding any matter affecting the construction, erection, maintenance or operation of any installation or equipment, the matter shall be referred to and decided by the Director General.

(2) Any person who feels aggrieved by a decision of the Director General under subsection (1) may apply to the Minister for re-consideration of the matter in dispute. The application shall be made in writing within twenty-one days from the date of the decision of the Director General, or within such further period as the Minister may in special circumstances allow, and shall contain the grounds of grievance.

(3) On receipt of the application, the Minister shall appoint a Chairman as his representative to hold an enquiry into the matter together with two other persons to be nominated by the Minister as assessors. The assessors shall be persons possessing electrical or other special skill and experience drawn from persons not in the service of the Electrical Inspectorate.

(4) All questions in the enquiry shall be determined by a majority of the members holding the enquiry.

(5) (a) At the conclusion of the enquiry the Chairman shall forward to the Minister a summary of the evidence together with the decision arrived at, and the Minister shall accept the decision and shall inform all persons concerned.

(b) Any person concerned shall be entitled, upon payment of the prescribed fees, to a copy of the summary of evidence and decision.

(6) Persons nominated by the Minister to serve as assessors shall be summoned and shall be entitled to receive such remuneration as may, from time to time, be prescribed by the Minister.

(7) (a) Any person summoned to attend as an assessor who without lawful excuse—

(i) fails to attend as required by the summons; or

- (ii) having attended departs without having obtained the permission of the Chairman; or
- (iii) fails to attend after an adjournment of the enquiry,

shall be liable, upon order made by the Chairman, to a fine not exceeding one hundred ringgit.

(b) When any assessor is fined, the Chairman shall forthwith send him a written notice requiring him to pay such fine or show cause before the Chairman within fourteen days, why the same should not be paid. Any such fine may be enforced in the manner provided by the Criminal Procedure Code.

*F.M.S.  
Cap. 6.*

24. For the purpose of holding enquiries under this Act, the Director General or the Chairman, as the case may be, shall have power to administer oaths and affirmations and shall be vested with the powers of a first class magistrate for compelling the attendance of witnesses, maintaining order and otherwise duly conducting the said enquiries. Persons summoned to attend any such enquiry shall be legally bound so to attend.

*Power of  
holding  
enquiry.*

25. (1) Where any matter is required to be determined by arbitration under this Act, the same shall be determined by an arbitration board comprising one or three arbitrators chosen by the parties or, if they are unable to agree, by the Chief Justice.

*Arbitration.*

(2) Each party shall have power to appoint an assessor to sit with the arbitrator, but the arbitrator alone shall have power to decide and make an award. Where more than one arbitrator is appointed, a majority of them may decide and make an award.

(3) The arbitration, shall take place at such place within Malaysia as the arbitrator shall decide, and shall, subject to this section, be governed by the Arbitration Act 1952.

*Act 93.*

(4) The remuneration of an arbitrator appointed by the Chief Justice in accordance with this section shall be fixed by the Chief Justice and the remuneration of an arbitrator chosen by parties shall be fixed by them.

The costs of reference and the award, including the remuneration of the arbitrator, shall be paid by the parties in such proportion as the arbitrator may decide:

Provided that the remuneration and the allowances of an assessor shall be paid by the party appointing him.

### PART VIII

#### OFFENCES AND PENALTY

*Offences.*

26. (1) Any person who wilfully so tampers with or adjusts any installation or part thereof or manufactures or imports or sells any equipment as to cause or to be likely to cause danger to human life or limb or injury to any equipment or other property shall be guilty of an offence and for each such offence shall, on conviction, be liable to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding five years.

(2) Any person who by any rash or negligent act or omission in respect in any installation or equipment or part of an installation or equipment causes injury to person or property shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding three years or to both.

(3) Any person who in any manner dishonestly—

(i) abstracts energy;

(ii) consumes energy;

(iii) uses energy;

(iv) alters the index of any meter or other instrument used on or in connection with any supply authority installation or any licensed installation for recording the output or consumption of energy; or

(v) prevents any such meter or instrument from duly recording the output or consumption of energy,

shall be guilty of an offence and shall, on conviction, be liable to a penalty as provided for in the relevant written laws in force relating to supply authorities.

(4) Any person who, in contravention of section 7 uses, works or operates, or permits to be used, worked or operated any installation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit and to a further fine not exceeding five hundred ringgit for every day or part of a day during which the offence continues after conviction.

(5) Any person who, in contravention of section 7 supplies energy from an installation to or for the use of any person shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit, and to a further fine not exceeding five hundred ringgit for every day or a day or part of a day during which the offence continues after conviction.

(6) Any licensee who without the express authority from the Director General supplies energy or lays down any supply line or constructs any electrical works outside the area of supply specified in his licence shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit, and any such unauthorised line or works may, after conviction, be removed by order of the Director General, and if such order is not complied with, reasonable cost of such removal may be recovered from the licensee.

(7) Any licensee failing without lawful excuse to comply with any term and condition expressed in the licence shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit and, to a further fine not exceeding five hundred ringgit for every day or part of a day during which the offence continues after conviction.

(8) Any person who in contravention of section 19 fails or neglects to register an installation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit and a further fine not exceeding five hundred ringgit for every day or part of a day during which the offence continues after conviction.

(9) Any person who, without due authority in that behalf, wilfully extinguishes or damages any public lamp or wilfully damages or defaces any post, bracket or other means of support of a public lamp shall be

guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to an imprisonment for a term not exceeding one year or to both.

(10) Any person who without lawful consent, affixes or causes to be affixed any advertisement, bill or notice or any paper against or upon, or otherwise defaces any building, post or bracket or other equipment or the enclosure thereof used for or in connection with any public installation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit.

(11) Any person who wilfully or negligently—

(a) causes energy to be diverted from its proper course to be wasted; or

(b) breaks, throws down, causes to fall or damages supply line, or post, pole, or other equipment, any installation or any part thereof as the case may be connected with supply of energy,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(12) (a) No person shall, without lawful authority undertake any work or engage in any activity in the vicinity of any electrical installation or part thereof in a manner likely to interfere with any electrical installation or to cause danger to any person or property.

(b) Any person who contravenes this section shall be guilty of an offence and, on conviction, be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(13) (a) No person shall install any electrical wiring or extension to existing wiring on premises without first obtaining the approval in writing from a supply authority or licensee.

(b) Any person who contravenes this section shall be guilty of an offence and, on conviction, be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(14) Any person guilty of an offence against this Act for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding one thousand ringgit and, in the case of a continuing offence, to a fine not exceeding one hundred ringgit for every day or part of a day during which the offence continues after conviction.

(15) Whenever any agent or servant in the course of his employment does or omits to do an act the doing of which or omission to do which by his principal or employer would be an offence against this Act, such agent or servant shall be guilty of that offence, and his principal or employer and any person at the time of the act or omission was in charge of the business in respect of which the act or omission occurred shall be guilty of that offence unless the principal or employer or other person, as the case may be, proves to the satisfaction of the court that he took all reasonable means and precautions to prevent the act or omission.

27. In any prosecution for an offence under subsection (3) of section 32 proof of—

Onus of proof.

AASPS

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

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

(c) (i) the fitting of any mechanical or other means to;

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

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(iii) the interference with any part or connection of,

any apparatus in the circumstances that the fitting, absence, removal or interference would prevent or facilitate the prevention of any meter or other instrument from duly registering the quantity of energy supplied, or would facilitate the dishonest abstraction, consumption or use of energy,

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

(i) that the dishonest alteration, prevention, abstraction, consumption or use, as the case may be, has been carried out by—

(a) the person fitting the artificial, mechanical or other means as aforesaid;

(b) the person removing any such part or connection as aforesaid;

(c) the person interfering with any such part or connection as aforesaid;

(d) the consumer using the meter or instrument; or

(e) the person having control of the installation where it is fixed; or

(f) the occupiers of the premises on which the meter or instrument is installed; or

(ii) that the person or consumer has abetted the offence of the alteration, prevention, abstraction, consumption or use, as the case may be.

Compensation for damage.

28. (1) Any person who removes, destroys or damages whether wilfully or otherwise, any installation or any part thereof, or any public lamp or any post, bracket or other means of support of a public lamp, or any instrument used in connection with any installation for recording the output or consumption of energy, shall, in addition to any penalty to which he may be liable under this Act, be liable to pay full compensation for the damage he has done and the compensation shall be recoverable by civil action or suit before any court.

(2) Without prejudice 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 the payment of the same. Any such order may be enforced as if it were a judgement in a civil action or suit.

29. It shall be competent for the Director General or any officer authorized by him to conduct a prosecution for any offence under this Act before any court. Prosecution.

30. (1) The Director General or any officer authorized by him may compound such offences under sections 6, 26 (9), 26 (10), 26 (12), 26 (13), 26 (14), 32, 36 (5), or under any rules or regulations made thereunder, by collecting from the person reasonably suspected of having committed the same a sum of money not exceeding one thousand ringgit. Com-  
pounding.

(2) The Director General may make rules or regulations to prescribe the method and procedure for compounding such offences.

31. In the case of a conviction involving a fine the court imposing the fine may, on the application of the officer conducting the prosecution, direct the payment of any part of the fine not exceeding one half to the person who gave the information leading to the conviction in such proportion as the court deems fit. Reward for  
information.

## PART IX

### GENERAL

32. (1) The execution of all work in connection with the generation or supply of energy which may affect any street, railway, tramway, river, canal or other waterway or any system of irrigation, drainage or water supply or any telegraphs, telephones, radio-communications, harbour works or other public or private works, and the erection of any supply line crossing, whether overhead or underground, any such way or work as aforesaid, shall be carried out in the prescribed manner and without prejudice to public safety or private safety. Precautions  
in execution  
of work.

(2) Any person who, without lawful excuse, contravenes or fails to comply with this section shall be guilty of an offence under this Act.

Electrical  
interference  
with  
Govern-  
ment  
signalling  
lines.

33. (1) If the Director General is satisfied that the working or operation of any installation causes electrical interference with any radio-communication, telecommunication, telegraph, telephone or other electrical signalling process or circuit owned or operated by or on behalf of the Federal Government or any State Government, or any supply authority, the Director General shall call upon the owner or licensee to abate the interference, and if, within a period of fourteen days or such longer period as the Director General considers reasonable in any particular circumstances, the interference has not been effectually abated, the Director General shall report the matter to the Minister who may in his discretion—

- (a) in the case of a licensed installation, order the suspension of the licence;
- (b) in the case of an unlicensed installation, by order prohibit the working or operation thereof; or
- (c) in the case of any installation, by order, prohibit the working or operation of such part thereof as causes the electrical interference,

until arrangements have been made to the satisfaction of the Director General for preventing the recurrence of such electrical interference as aforesaid, and if, in the case of a licensed installation, no such arrangements are made, then the Minister may order that the licence for the said installation be revoked absolutely.

(2) For any loss caused to a licensee by the suspension or revocation of a licence under this section the licensee may claim compensation from the Federal Government, State Government or any supply authority, as the case may be:

Provided that no claim shall be allowed and no compensation shall be paid where the electrical interference referred to in subsection (1) has been caused by an installation which does not comply with any regulations for regulating electrical interference made under any written law relating to telegraphs for the time being in force.

(3) If the claim be allowed, the compensation shall, unless settled by mutual agreement of the Federal Government, State Government or the supply authority, as the case may be, and the licensee, be determined by arbitration.

34. Any department of the Federal Government or any State Government or any other consumer taking or using energy from an installation shall, if the Director General so requires, provide such means for obviating risk damage to such installation by atmospheric electricity as may be directed by the Director General or as may be prescribed.

Precautions against atmospheric electricity.

35. (1) No person shall, in the generation, transmission, supply or use of energy, permit any part of his supply lines to be connected with earth except as may be prescribed by rule under this Act or be expressly permitted by the Director General.

Restriction of connection with earth.

(2) In the event of any breach of subsection (1), the Director General may by written order require the licensee or owner to remove the connection and may prohibit the use of any supply line or works or installation until the order is complied with, and every such order shall be complied with by the person concerned.

36. (1) In the event of a Director finding in any installation or part thereof any defect which in his opinion is likely to cause danger he may, by notice in writing posted at the place where the installation or part thereof to which it relates is installed or working, or served upon the licensee or owner thereof, require the defect to be made good or removed within such period as may be specified in the notice, and in that case the installation or part thereof shall not be operated or used after the expiration of the period specified unless the defect has been made good or removed to the satisfaction of the Director:

Procedure in case of dangerous defect in installation or part thereof.

Provided that, if the Director is of the opinion, that the defect is likely to cause immediate danger, he may, by notice posted or served as aforesaid, forthwith suspend the operation and use of the installation, and if necessary seal the installation or part thereof until

the defect is made good or removed. The installation or part thereof shall not be operated or used so long as the notice of suspension remains unrevoked and the seal removed by a Director.

(2) Every licensee and every management and person in charge of an installation becoming aware of a defect therein which is likely to cause danger shall forthwith make good or remove the defects, and every consumer becoming aware of a defect in any equipment which is likely to cause danger shall forthwith make good or remove the defect, or make a report thereof to a Director.

(3) If in the opinion of the Director General any defect in an installation in respect whereof a licence is in force is of a nature that it cannot be made good or removed, the Director General shall hold an enquiry and, if he considers it necessary so to do, shall cancel the licence.

(4) The licensee or owner shall not be entitled to compensation for any loss caused to the licensee or owner by the suspension of operation and use of, and sealing any installation or part thereof or by the suspension or cancellation of a licence under this section.

(5) Any person who contravenes or fails to comply with subsections (1) and (2) shall be guilty of an offence under this Act.

Prohibition  
of employ-  
ment of  
children.

**37.** (1) No licensee or management shall employ or permit to be employed on any service involving management of or attendance on or proximity to live equipment not effectively insulated any person under the age of sixteen years.

(2) Any person who contravenes this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit.

## PART X

## POWERS TO MAKE REGULATIONS

38. The Director General may, with the approval of the Minister, make regulations in respect of any matter which may be prescribed under this Act and in particular—

Powers to make regulations.

- (a) the functions and duties of any Director or officers appointed under section 3;
- (b) the intervals, times and manner in which any installation or equipment shall be inspected, the notice (if any) to be given in relation to inspections and the preparations to be made by the licensee or the management for inspections;
- (c) the minimum standards and specifications which shall be used in the design, construction, protection and maintenance of installations and equipment, the conditions under which any installation or equipment shall be worked or operated and the prohibition of the use of dangerous equipment;
- (d) the manner in which energy shall be measured and the standards of measurement which shall be employed and the manner in which energy is permitted to be or is prohibited from being, supplied or used;
- (e) the standards to be adopted for measurement of dimensions of installations and equipment;
- (f) the manner of regulation and the limits of variation of the nature, voltage and frequency of the energy supply;
- (g) the class or design of wires, fittings and equipment to be used and the manner which the wires, fittings and equipment shall be erected, fixed, arranged, protected, controlled, inspected, tested and maintained;
- (h) the fees to be paid for licences and Certificates of Registration of installations and any other fees which require to be prescribed under this Act;

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- (i) the form and contents of and the conditions to be prescribed in licences, the form and period of validity of Certificates of Registration and the conditions for suspension, extension and revocation of licences and Certificates of Registration;
- (j) the minimum qualifications to be possessed by persons before they may be entrusted with the design, construction, erection, testing, operation, maintenance, repair or alteration of any installation or equipment or with the charge, control or operation of any installation or equipment;
- (k) to devise the nature of tests to be employed for ascertaining whether persons possess the necessary qualifications prescribed for the purpose of competent control and other purposes, and the issue, suspension or revocation of certificates of competency, and to prescribe fees to be paid for such tests and certificates;
- (l) the registration and classification of wiring contractors, electrical sign contractors, switch board manufacturers and competent persons, and to prescribe fees for such registration;
- (m) the measures to be taken and the equipment to be supplied and used in connection with installations in order to secure public safety and private safety;
- (n) the precautions to be taken on the relief of persons in control of equipment and the manner of notifying to a Director the names and qualifications of persons placed in control of installations and of the operation of equipment;
- (o) the manner of calculating the power of generators and motors;
- (p) the manner of holding enquiries and arbitration under this Act;
- (q) the form of notices and the manner of service thereof;

- (r) the appraisal and approval, where necessary, of any domestic or other equipment to be manufactured, imported, displayed, sold, advertised, installed or used and to prescribe fees to be paid thereof;
- (s) the provisions for licensee with respect to matters pertaining to—
- (i) the inspection of installation or part thereof;
  - (ii) the erection and fixing of public lamps;
  - (iii) the disconnection of supplying of energy; and
  - (iv) any other matters connected therewith;
- (t) the submission of financial statements and audited report by licensees;
- (u) the manner of execution of works in connection with the generation or supply of energy without prejudice to public safety or private safety;
- (v) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any nuisance likely to arise or arising from the working of any installation or equipment.

## PART XI

## MISCELLANEOUS

39. Subject to sections 7, 19 and 21, the Director Exemptions.  
General may with the approval of the Minister by notification in the *Gazette* exempt from any or all of the provisions and any regulations made under this Act—

- (a) any installation, or part thereof, owned by or worked by or on behalf of any supply authority;
- (b) any other particular class of installation or equipment,

and may, by similar notification, cancel any exemptions so notified.

Restrictions attached to licences issued prior to this Act.

40. Notwithstanding anything contained in any licence for a public installation issued under any written law promulgated prior to this Act, no holder of any such licence shall, without the prior approval of the Director General—

- (a) acquire any land or buildings for the purposes of such installation;
- (b) commence any new scheme for the supply of energy;
- (c) extend any existing installation or area of supply; or
- (d) instal any new, or replace any existing, plant or equipment for the purposes of such installation.

Failure to comply with this subsection shall render the licensee liable to have his licence revoked at the discretion of the Director General.

Repeal of existing legislations.  
*Sabah Ordinance Cap. 40. F.L.N. 199/65.*  
*Sarawak Ord. Cap. 137. F.L.N. 200/65.*

41. The Electricity Ordinance of Sabah and the Electricity Ordinance of Sarawak which are declared federal laws respectively are hereby repealed.

Consequential amendments.  
*Act 116.*

42. The Electricity Act 1949 is amended by—

- (a) deleting the definitions of "Chief Inspector" and "Inspector" appearing in section 2;
- (b) deleting the words beginning from "and, in particular, may appoint" until "..... other duties as may be prescribed" appearing in subsection (1) of section 12; and
- (c) deleting subsection (3) of section 12, paragraphs (e) and (g) of subsection (2) of section 20, sections 39, 40, 42, 67, 68, 69, 70, 71, 72, 73, 74, 78, 79, 80, 81, 82, 83, subsections (4), (5), (6), (7) and (13) of section 86, paragraphs (a), (b), (c), (e), (f), (g), (h), (i), (j), (l), (m), (n), (o) and (p) of subsection (1) of section 89 and section 93.

SCHEDULE

(Section 9 (2))

MALAYSIA

STATE OF.....

*ELECTRICAL INSPECTORATE ACT 1983*

NOTICE OF INTENTION TO ENTER AND DO WORK ON  
LAND UNDER SECTION 9

To:

Title or other description of land.....

Take notice that I,.....of.....

being the holder of a licence dated.....under the  
Electrical Inspectorate Act 1983 am desirous of entering the  
above-mentioned land for the purpose of (here set out as fully  
and accurately as possible what is intended to be done).

Within fourteen days from the date of receipt of this Notice  
you may lodge an objection either verbally or in writing with  
the Collector of Land Revenue at.....

The Collector of Land Revenue has appointed.....  
as the day upon which objections will be heard.

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

You will be paid proper compensation for any damage done.

Dated this.....day of.....19.....

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