

ELECTRICITY SUPPLY ACT 1990

EFFICIENT MANAGEMENT OF ELECTRICAL ENERGY REGULATIONS 2008

[P.U.(A)444]

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Citation and commencement
2. Interpretation
3. Application
4. Fees

PART II

ELECTRICAL ENERGY MANAGEMENT

5. Obligation to submit information to the Commission
6. Notification by the Commission
7. Obligation of private installation licensee or consumer
8. Additional information
9. Review
10. Withdrawal

PART III

REGISTERED ELECTRICAL ENERGY MANAGER

11. Registered electrical energy manager of installation
12. Qualification requirements
13. Application for registration
14. Issuance of certificate of registration
15. Medical evidence of fitness of applicant
16. Functions and duties of a registered electrical energy manager
17. Validity period of registration and renewal
18. Cancellation of registration of a registered electrical energy manager

PART IV

GENERAL

19. Register
20. Replacement of certificate of registration
21. Certified true copy of certificate of registration
22. General penalty
23. Extension of time
24. Service of notice

FIRST SCHEDULE

SECOND SCHEDULE

ELECTRICITY SUPPLY ACT 1990

EFFICIENT MANAGEMENT OF ELECTRICAL ENERGY REGULATIONS 2008

IN exercise of the powers conferred by sections 23A and 53 of the Electricity Supply Act 1990 [Act 447], the Minister makes the following regulations:

PART I

PRELIMINARY

Citation and commencement

1. (1) These regulations may be cited as the Efficient Management of Electrical Energy Regulations 2008.

(2) These Regulations come into operation on 15 December 2008.

Interpretation

2. In these Regulations, unless the context otherwise requires –

“private installation licensee” means a person granted a licence under the Act to use, work or operate an installation solely for the supply of electrical energy to and for the use thereof on the person’s own property or premises;

“registered electrical energy manager” means a person registered under regulation 14 ;

“metering point” means the point of physical connection of the device measuring the current in the power conductor where electricity consumption is measured;

“effective date” means the date of coming into operation of these Regulations.

Application

3. (1) These Regulations shall apply to -

- (a) any installation which receives electrical energy from a licensee or supply authority with a total electrical energy consumption equal to or exceeding 3,000,000 kWh as measured at one metering point or more over any period not exceeding six consecutive months; or
- (b) any installation which is used, worked or operated by a private installation licensee with a total net electrical energy generation equal to or exceeding 3,000,000 kWh over any period not exceeding six consecutive months.

(2) For the purposes of subregulation (1) and wherever mentioned in these Regulations -

- (a) for any installation which receives electrical energy from a licensee or supply authority under paragraph (1)(a) before or on the effective date, the 3,000,000 kWh is calculated over any period not exceeding six consecutive months from the effective date;
- (b) for any installation which receives electrical energy from a licensee or supply authority under paragraph (1)(a) after the effective date, the 3,000,000 kWh is calculated over any period not exceeding six consecutive months from the date

the electrical energy supply is connected to the installation by the licensee or supply authority;

- (c) for any installation which is used, worked or operated by a private installation licensee under paragraph (1)(b) before or on the effective date, the 3,000,000 kWh is calculated over any period not exceeding six consecutive months from the effective date; and
- (d) for any installation which is used, worked or operated by a private installation licensee under paragraph (1)(b) after the effective date, the 3,000,000 kWh is calculated over any period not exceeding six consecutive months from the date the installation starts to generate electrical energy.

Fees

4. (1) The fees to be paid for the purposes of these Regulations shall be as prescribed in the First Schedule.

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

PART II

ELECTRICAL ENERGY MANAGEMENT

Obligation to submit information to the Commission

5. (1) A licensee or supply authority who supplies electrical energy to any installation under paragraph 3(2)(a) shall submit to the Commission information or documents regarding the names and particulars of consumers whose total

electrical energy consumption over any period not exceeding six consecutive months equals to or exceeds 3,000,000 kWh, not later than one month after the expiry of the period of six consecutive months from the effective date.

(2) A licensee or supply authority who supplies electrical energy to any installation under paragraph 3(2)(b) shall submit to the Commission information or documents regarding the names and particulars of consumers whose total electrical energy consumption over any period not exceeding six consecutive months equals to or exceeds 3,000,000 kWh, not later than one month after the expiry of the period of six consecutive months from the date the electrical energy supply is connected to the installation by the licensee or supply authority.

(3) A private installation licensee under paragraph 3(2)(c) shall submit to the Commission information or documents regarding the total net electrical energy generation over any period not exceeding six consecutive months that equals to or exceeds 3,000,000 kWh, not later than one month after the expiry of the period of six consecutive months from the effective date.

(4) A private installation licensee under paragraph 3(2)(d) shall submit to the Commission information or documents regarding the total net electrical energy generation over any period not exceeding six consecutive months that equals to or exceeds 3,000,000 kWh, not later than one month after the expiry of the period of six consecutive months from the date the installation starts to generate electrical energy.

(5) Notwithstanding subregulations (1) to (4), the Commission may, at any time by way of a written notice, direct any licensee, supply authority or private installation licensee to provide, within the time as specified in the notice, any information or document as the Commission may require.

(6) Any licensee, supply authority or private installation licensee who is required to provide information or documents under this regulation shall ensure that the information or documents provided are true, accurate and complete and shall provide a representation to that effect, including a representation that he or it is not aware of any other information which would make the information provided untrue or misleading.

(7) Any licensee, supply authority or private installation licensee who -

(a) fails to comply with this regulation; or

(b) fails to disclose or omits to give any relevant information or document, or provides information or documents that he or it knows or has reason to believe is false or misleading,

commits an offence under these Regulations.

Notification by the Commission

6. (1) The Commission may, at any time by written notice, direct any private installation licensee or consumer whose total net electrical energy generation or total electrical energy consumption, as the case may be, equals to or exceeds 3,000,000kWh-

(a) to appoint or designate a registered electrical energy manager to carry out the functions and duties under regulation 16 at the installation;

(b) to submit a written confirmation of such appointment or designation under paragraph (a) to the Commission containing the name and particulars of the registered

electrical energy manager as well as the date of expiry of his registration as an electrical energy manager;

- (c) to submit information regarding -
 - (i) the statement of policy for efficient electrical energy management of the installation;
 - (ii) the objectives of efficient electrical energy management; and
 - (iii) the accounts and documents pertaining to efficient electrical energy management;
- (d) to submit the report in Form A of the Second Schedule that has been duly signed; and
- (e) to submit any other information which the Commission may require.

(2) The private installation licensee or consumer shall upon submitting the information and report under paragraphs (1)(c), (d) and (e) include a declaration by the registered electrical energy manager for the installation in Form B of the Second Schedule.

(3) Any private installation licensee or consumer required to submit the information and report under subregulations (1) and (2) shall ensure that the information and report submitted are true, accurate and complete and shall provide a representation to that effect, including a representation that he or it is not aware of any other information which would make the information and report that is provided untrue or misleading.

- (4) Any private installation licensee or consumer who -
 - (a) fails to comply with subregulation (1) or (2); or
 - (b) fails to disclose or omits to give any relevant information or document, or provides information or documents that he or it knows or has reason to believe is false or misleading,

commits an offence under these Regulations.

Obligation of private installation licensee or consumer

7. (1) Any private installation licensee or consumer who is served with a written notice from the Commission under regulation 6 shall submit to the Commission -

- (a) the information as required under paragraphs 6(1)(a) and (b) not later than three months from the date of the written notice; and
- (b) the information and report as required under paragraphs 6(1)(c), (d) and (e) and the declaration under subregulation 6(2) not later than thirty days after the expiry of six consecutive months from the end of the period specified in paragraph 7(1)(a).

(2) The private installation licensee or consumer shall continue to submit to the Commission –

- (a) the information as specified in paragraph (1)(a) not later than three months; and

- (b) the information and report as specified in paragraph (1)(b) not later than thirty days after the expiry of six consecutive months,

from the end of the period specified in paragraph (1)(b), and shall thereafter be submitted accordingly within the periods as prescribed in this subregulation.

(3) Any private installation licensee or consumer who fails to comply with subregulation (1) or (2) commits an offence under these Regulations.

Additional information

8. (1) The Commission may by written notice, at any time after receiving the information and report under regulation 6, require the private installation licensee or consumer to furnish any additional information or documents within such period as specified in the notice.

(2) Any private installation licensee or consumer who fails to comply with subregulation (1) commits an offence under these Regulations.

Review

9. (1) The Commission may, at any time after receiving the information and report under regulation 6, review the obligations of the private installation licensee or consumer by considering -

- (a) that the total net electrical energy generation or total electrical energy consumption for the reported period in Form A of the Second Schedule is below 3,000,000 kWh;
- (b) that the private installation licensee or consumer has fully complied with the requirements of these Regulations; and

- (c) any other reason which the Commission deems fit to show efficient management of electrical energy at the installation for the reported period as in Form A of the Second Schedule.

(2) The Commission shall, after reviewing the obligations of the private installation licensee or consumer under subregulation (1), by written notice notify the private installation licensee or consumer that he or it is no longer required to further submit the information and report as specified in regulation 6.

(3) The private installation licensee or consumer who is served with the written notice under subregulation (2) shall cease to submit the information and report as specified in regulation 6 with effect from the date of the notice.

Withdrawal

10. (1) Notwithstanding subregulation 9(2), the Commission may, at any time after the issuance of the written notice under subregulation 9(2) to any private installation licensee or consumer, withdraw that notice if -

- (a) the total electrical energy consumption or total net electrical energy generation at the installation over any period of six consecutive months after the date of issue of the notice equals to or exceeds 3,000,000 kWh; or
- (b) for any other reason as the Commission deems fit, it is satisfied that the private installation licensee or consumer has not practised efficient management of electrical energy at the installation after the date of issue of the notice.

(2) Any private installation licensee or consumer to whom the written notice issued under subregulation 9(2) is withdrawn in pursuance of

subregulation (1), shall become subject to these Regulations with effect from the date of withdrawal of the notice.

(3) Any withdrawal of the written notice issued under subregulation 9(2) by the Commission shall be in writing and served upon the private installation licensee or consumer.

PART III

REGISTERED ELECTRICAL ENERGY MANAGER

Registered electrical energy manager of installation

11. (1) No person shall engage in, be employed or hold himself out as a registered electrical energy manager for the purposes of these Regulations unless the person has been registered by the Commission.

(2) Any person who fails to comply with subregulation (1) commits an offence under these Regulations.

Qualification requirements

12. (1) A person who applies for registration as an electrical energy manager for the purposes of these Regulations shall satisfy the Commission that—

- (a) he is a Malaysian citizen aged 23 years and above who -
 - (i) holds a certificate of registration as a Professional Engineer under the Registration of Engineers Act 1967 [Act 138] and possesses at least six months working experience in the efficient management of electrical energy at an installation;

- (ii) holds a degree in Science, Engineering, Architecture or its equivalent and possesses at least one year working experience in the efficient management of electrical energy at an installation; or
 - (iii) holds a Certificate of Competency issued by the Commission as an Electrical Services Engineer or a Competent Electrical Engineer and possesses at least nine months working experience in the efficient management of electrical energy at an installation; and
- (b) he demonstrates knowledge of the requirements of the Act and these Regulations that satisfies the Commission.

(2) Without prejudice to subregulation (1), the Commission may require any person to attend an interview to be conducted or caused to be conducted by the Commission on a date and at a location to be determined by the Commission to ascertain his qualifications.

Application for registration

13. (1) A person who satisfies the qualification as set out in regulation 12 may apply in writing to the Commission to be registered as an electrical energy manager, and shall submit together with that application—

- (a) the application fee as prescribed in the First Schedule; and
- (b) any information and documents to substantiate the fact that the applicant has a proven track record as an electrical energy manager, or evidence to show that despite the lack

of a track record, he has the necessary knowledge, skill and expertise to efficiently manage electrical energy.

(2) Upon receipt of an application under subregulation (1), the Commission may, by written notice, require the applicant to submit any additional information or documents and the applicant shall comply with such requirement within the period as specified by the Commission.

(3) If any additional information or documents as required under subregulation (2) is not provided by the applicant within the period as specified by the Commission, the application shall be deemed to have been withdrawn by the applicant and shall not be further proceeded with, but such withdrawal shall not affect the right of the applicant to make a fresh application.

Issuance of certificate of registration

14. (1) The Commission shall, within forty-five days from the date of receipt of any information or document or any additional information or document, as the case may be, under subregulation 13(1) or (2) inform the applicant in writing, whether his application to be registered as an electrical energy manager has been approved or refused.

(2) Where the application is approved, the Commission shall register the applicant as an electrical energy manager, and upon payment of the fee as prescribed in the First Schedule, issue a certificate of registration.

(3) Where the application is refused, the Commission may, upon the request of the applicant, provide reasons in writing to the applicant for such refusal.

(4) The certificate of registration shall be in Form C of the Second Schedule, and the Commission may stipulate in the certificate any conditions or restrictions in respect of the registration.

Medical evidence of fitness of applicant

15. Notwithstanding subregulations 13(1) and (2), the Commission may require medical evidence of the physical and mental fitness of the applicant, certified by a registered medical practitioner, to be produced by the applicant before a certificate of registration as an electrical energy manager is issued to him.

Functions and duties of a registered electrical energy manager

16. The registered electrical energy manager shall have the following functions and duties:

- (a) he shall be responsible –
 - (i) to audit and analyse the total electrical energy consumption or total net electrical energy generation at the installation, including the significant end use of electricity;
 - (ii) to advise the private installation licensee or consumer in developing and implementing measures to ensure efficient management of electrical energy at the installation; and
 - (iii) to monitor effective implementation of the measures referred to in subparagraph (ii);
- (b) he shall supervise the keeping of records on efficient management of electrical energy at the installation and verify its accuracy; and

- (c) he shall ensure that the private installation licensee or consumer submits the information and report under paragraphs 6(1)(c), (d) and (e) within the periods as specified in regulation 7.

Validity period of registration and renewal

17. (1) The certificate of registration issued under subregulation 14(2) shall be valid for a period of not less than one year and not more than five years from the date of issue of the certificate.

(2) Where the person who is registered under subregulation (1) intends to continue to do any work, act or thing for which such registration is required after the expiry of the period of his registration, he shall, at least one month before the date of expiry of his registration, renew his registration.

(3) The Commission shall renew the registration of an electrical energy manager if the Commission is satisfied that -

- (a) he has complied with the conditions or restrictions as stipulated in the certificate of registration; and
- (b) he has paid the fee as prescribed in the First Schedule.

Cancellation of registration of a registered electrical energy manager

18. (1) The Commission may cancel the certificate of registration issued to a registered electrical energy manager under subregulation 14(2) if -

- (a) he has contravened or failed to comply with any provision of the Act or these Regulations;

- (b) he has obtained the certificate of registration by making or causing to be made any false or fraudulent declaration, certification or representation, either in writing or otherwise;
- (c) he has used the certificate of registration for a purpose that differs from that for which it was issued or in a manner that is intended to mislead or deceive the public; or
- (d) he has failed to carry out the functions and duties as specified in regulation 16.

(2) Where the Commission intends to cancel the certificate of registration under subregulation (1) , the Commission shall notify the registered electrical energy manager in writing of its intention.

(3) The registered electrical energy manager shall within fourteen days from the date of issue of the written notice under subregulation (2) provide a written submission to the Commission stating the reasons why his certificate of registration should not be cancelled.

(4) The Commission shall give due consideration to the written submission made by the registered electrical energy manager before making any decision.

(5) Where the Commission, after giving due consideration to the written submission, cancels the certificate of registration, the Commission shall issue a notice of cancellation to the registered electrical energy manager together with the reasons for the cancellation.

(6) The cancellation of the certificate of registration shall take effect on the expiry of twenty-one days from the date of the notice of cancellation.

(7) Notwithstanding subregulation (1), where the Commission is of the opinion that urgent action is required to protect the interest of the public and that action relates to the functions and duties of the registered electrical energy manager, the Commission may immediately cancel the certificate of registration issued to the registered electrical energy manager by serving upon him a notice of cancellation.

PART IV

GENERAL

Register

19. (1) The Commission shall maintain a register of every registered electrical energy manager to whom a certificate of registration is issued under subregulation 14(2), which shall include the name and particulars of such registered electrical energy manager.

(2) The Commission shall delete from the register the name and particulars of every registered electrical energy manager whose certificate of registration has been cancelled under regulation 18.

Replacement of certificate of registration

20. (1) The registered electrical energy manager to whom a certificate of registration has been issued under subregulation 14(2) may apply in writing to the Commission for a replacement of the certificate of registration.

(2) An application made under subregulation (1) shall be accompanied with -

- (a) in the case of loss of the certificate of registration, a police report or statutory declaration made before a Magistrate or Commissioner for Oaths regarding the loss;
- (b) in the case of defacement of the certificate of registration, the defaced certificate of registration;
- (c) the application fee as prescribed in the First Schedule; and
- (d) any other information as the Commission may require.

(3) Where the Commission is satisfied that the loss or defacement of the certificate of registration was not the result of any fraud or negligence, the Commission may issue a replacement certificate of registration with the word “DUPLICATE” endorsed on it.

Certified true copy of certificate of registration

21. (1) A registered electrical energy manager may apply in writing to the Commission for a certified true copy of the certificate of registration.

(2) Upon payment of the application fee as prescribed in the First Schedule, the Commission shall provide a certified true copy of the certificate of registration to the registered electrical energy manager concerned.

General penalty

22. Any person who commits an offence under these Regulations 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.

Extension of time

23. Notwithstanding anything contained in these Regulations, where a period is specified under these Regulations or in any notice issued by the Commission pursuant to these Regulations for any act to be done or condition to be fulfilled, the person affected may request for an extension of time in writing and the Commission may grant such extension of time as it deems fit.

Service of notice

24. (1) Any notice may, for the purposes of these Regulations, be served either personally or by registered post.

(2) A notice which is sent by registered post shall be deemed to have been served on the person to whom it is addressed on the day succeeding the day on which the notice would have been received in the ordinary course of post, if it is addressed-

- (a) in the case of a company, partnership or body of persons having a registered office in Malaysia, to that registered office;
- (b) in the case of a company, partnership or body of persons not having a registered office in Malaysia –
 - (i) to any registered office of the company, partnership or body of persons (wherever that office may be situated);
 - (ii) to the principal place of business or other activity of the company, partnership or body of persons (wherever that place may be situated); or

- (iii) to any individual authorized (by or under the law of any place where the company, partnership or body of persons is incorporated, registered or established) to accept service of the notice; and
- (c) in the case of an individual, to his last known address as contained in the register.

FIRST SCHEDULE

FEES [regulation 4]

<i>No.</i>	<i>Types of fees</i>	<i>Fees (RM)</i>
1.	Application for registration as an electrical energy manager	20.00 per application
2.	Issuance/renewal of certificate of registration	100.00 per year
3.	Application for replacement of certificate of registration	50.00 per copy
4.	Application for certified true copy of certificate of registration	10.00 per copy

SECOND SCHEDULE

FORM A

ELECTRICITY SUPPLY ACT 1990

EFFICIENT MANAGEMENT OF ELECTRICAL ENERGY REGULATIONS 2008

**REPORT ON EFFICIENT MANAGEMENT OF ELECTRICAL ENERGY
FOR THE YEAR
[paragraph 6(1)(d)]**

Name of Private Installation Licensee/Consumer*:

.....

Address of Private Installation Licensee/Consumer*:

.....

.....

Telephone No.:

Fax No.:

E-mail Address:

Installation Registration No.:

Total consumption of electrical energy/ total net generation of electrical energy*
for six consecutive months in the period reported..... :kWh

Total consumption of electrical energy/ total net generation of electrical energy*
for six consecutive months in the previous period reported :
..... kWh

Efficient management of electrical energy improvement measures implemented
in the period reported

.....

.....

Efficient management of electrical energy improvement measures proposed but not implemented together with reasons for not implementing them

.....
.....
.....

Estimated savings in total consumption of electrical energy/ total net generation of electrical energy* achieved as a result of efficient management of electrical energy improvement measures implemented in the period reported
..... kWh

.....
.....

Name(s) and registration number(s) of the registered electrical energy manager(s) responsible for the installation in the period reported

.....
.....

We, the private installation licensee/consumer*, declare and confirm that all the information given in this report and in the attached annexes are true and accurate.

Date:

.....
**Name:)
I.C. No:)
Designation:)
for and on behalf of private)
installation licensee/consumer *)

Note:

1. *If the space is insufficient to provide the information or particulars, please attach annexes. Every annex shall be initialled by the above signatory*
 2. ** Delete whichever is not applicable*
 3. ***This form shall not be signed by the registered electrical energy manager for the installation.*
-

FORM B

ELECTRICITY SUPPLY ACT 1990

EFFICIENT MANAGEMENT OF ELECTRICAL ENERGY REGULATIONS 2008

**DECLARATION BY
REGISTERED ELECTRICAL ENERGY MANAGER**
[subregulation 6(2)]

I, the registered electrical energy manager of the private installation licensee/consumer* , hereby declare and confirm that :

- (a) I have been given sufficient access to the records of the private installation licensee/consumer* to enable me to confirm the report in Form A of the Second Schedule;
- (b) To the best of my knowledge and belief, the report in Form A of the Second Schedule was well prepared based on the actual implementation of efficient management of electrical energy improvement measures at the installation for the reported period;
- (c) I have evaluated the efficient management of electrical energy performance and costs at the installation; and
- (d) *(any other information deemed suitable)*

Date :

SIGNED BY :

(Name)

(Registration No.)

Note:

1. *If the space is insufficient to provide the information or particulars, please attach annexes. Every annex shall be initialled by the above signatory*
 2. ** Delete whichever is not applicable.*
-

Certificate No:.....

FORM C

ELECTRICITY SUPPLY ACT 1990

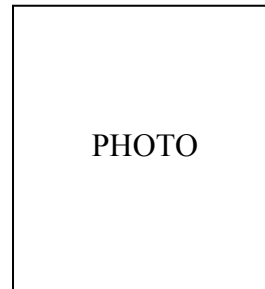
EFFICIENT MANAGEMENT OF ELECTRICAL ENERGY REGULATIONS 2008

**CERTIFICATE OF REGISTRATION
AS AN ELECTRICAL ENERGY MANAGER**
[subregulation 14(4)]

In accordance with subregulation 14(2) of the Efficient Management of Electrical Energy Regulations 2008, this certificate of registration is issued to
.....
(name of holder)

Identity Card No.:Date of Birth:.....
and authorizes the holder to carry out the functions and duties of a registered electrical energy manager for a period of year(s)* from the date of issue as stated below. This certificate is issued to the above named person and shall not be used by any other person.

RESTRICTION, IF ANY:



CONDITIONS (see overleaf)

Date of issue:
*Date of expiry:
Fee : RM.....

.....
ENERGY COMMISSION

Note:

1. *In the event that this certificate of registration comes into the possession of any person other than the person to whom it has been issued, it shall be returned immediately to the Energy Commission*
 2. ** Not less than one year and not more than five years from the date of issue.*
-