

ENERGY CONSERVATION ACT 2012

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021

An Act to mandate energy efficiency requirements and energy management practices to promote energy conservation, improve energy efficiency and reduce environmental impact.

[1 July 2012: Parts I and II, Divisions 1 and 3 of Part IV, sections 68 to 73, 75, 76, 80(2) and 82, the First Schedule and item 2(b) of the Second Schedule;

22 April 2013: Divisions 2 and 3 of Part III and sections 64 to 67, 74, 77, 78 and 79;

1 September 2013: Division 1 of Part III and sections 80(1) and 81;

1 January 2014: Division 2 of Part IV]

PART 1

PRELIMINARY

Short title

1. This Act is the Energy Conservation Act 2012.

Interpretation

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

“Agency” means the National Environment Agency established by the National Environment Agency Act 2002;

“airport service operator” means —

- (a) a person operating an airport under an airport licence or an exemption granted under the Civil Aviation Authority of Singapore Act 2009; or
- (b) a person providing any service or facility for an aircraft’s arrival at or departure from any airport referred to in paragraph (a), including any of the following:
 - (i) the storing, processing and handling of cargo carried, or to be carried, by an aircraft;

- (ii) the provision of fuel for, and refuelling of, an aircraft;
- (iii) flight catering services and facilities;
- (iv) the check-in and screening of aircraft passengers, including services for baggage handling and screening;

“authorised officer” means an officer appointed by the Director-General under section 6(2) to be an authorised officer;

“Civil Aviation Authority” means the Civil Aviation Authority of Singapore reconstituted by the Civil Aviation Authority of Singapore Act 2009;

“corporation” and “related corporation” have the meanings given by the Companies Act 1967;

“Director-General” means the Director-General of Environmental Protection appointed under the Environmental Protection and Management Act 1999;

“energy use threshold” means the level of energy consumption specified in an order under section 22 or 45, expressed in terms of —

- (a) the total of all types of energy consumed;
- (b) a particular type of energy consumed; or
- (c) the aggregate of 2 or more different types of energy consumed;

“greenhouse gas” means any of the following:

- (a) carbon dioxide;
- (b) methane;
- (c) nitrous oxide;
- (d) sulphur hexafluoride;
- (e) nitrogen trifluoride;
- (f) a hydrofluorocarbon of a kind prescribed in regulations;
- (g) a perfluorocarbon of a kind prescribed in regulations;
- (h) any other substance prescribed as a greenhouse gas for the purposes of this Act;

“Land Transport Authority” means the Land Transport Authority of Singapore

established by the Land Transport Authority of Singapore Act 1995;

“land transport operator” means a person operating —

- (a) a bus service under a Class 1 bus service licence granted under the Bus Services Industry Act 2015;
- (b) a rapid transit system within the meaning of the Rapid Transit Systems Act 1995;
- (c) a fleet of motor vehicles classified as taxis under the Second Schedule to the Road Traffic Act 1961; or
- (d) a fleet of motor vehicles as part of a business activity of passenger transport or freight transport;

“Maritime and Port Authority” means the Maritime and Port Authority of Singapore established by the Maritime and Port Authority of Singapore Act 1996;

“Minister”, except in Part 4, means the Minister charged with the responsibility for the environment and water resources;

“motor vehicle” means a vehicle that consumes electricity or fuel;

“port service operator” means a person providing any marine service or facility or port service or facility under a public licence or an exemption granted under the Maritime and Port Authority of Singapore Act 1996;

“premises” means any building, plant, workplace or other premises at which electricity, fuel or any other form of energy is consumed;

“Registrar” has the meaning given by the Road Traffic Act 1961;

“sector regulator” means the applicable regulator responsible for the administration of the provisions of this Act, determined in accordance with section 7;

“Transport Minister” means the Minister charged with the responsibility for transport;

“transport sector authorised officer” means an officer appointed under section 7(1)(a), (2)(a) or (3)(a) by a sector regulator to be a transport sector authorised officer;

“workplace” has the meaning given by section 5 of the Workplace Safety and Health Act 2006.

[30/2015]

Meaning of “business activity”

3.—(1) A business activity is an activity, or a series of activities (including ancillary activities) —

- (a) that involves the emission of greenhouse gas, the production of energy or the consumption of energy; and
- (b) that forms a single undertaking or enterprise.

(2) For the purposes of subsection (1)(b), the activity or activities constituting the undertaking or enterprise must not be attributable to more than one industry sector.

(3) The Minister may make regulations to prescribe —

- (a) the circumstances in which an activity or activities (including ancillary activities) will form part of a single undertaking or enterprise; and
- (b) activities which are attributable to particular industry sectors.

Meaning of “operational control”

4.—(1) A corporation has operational control over a business activity (including a business activity carried out wholly or partly by a related corporation of that corporation) if it has the authority to introduce and implement all or any of the following for the business activity:

- (a) operating policies;
- (b) health and safety policies;
- (c) environmental policies.

(2) A corporation has operational control over premises (whether or not the premises are owned by the corporation) if it has the authority to do one or both of the following for the premises:

- (a) incur capital expenditure on the construction of any building or infrastructure on the premises;
- (b) carry out capacity expansion or other infrastructure enhancement of the premises.

(3) For the purposes of this Act, only one such corporation can have operational control over a business activity or premises at any one time.

(4) If more than one corporation satisfies subsection (1) at any one time, then the corporation that has the greatest authority to introduce and implement the policies

mentioned in subsection (1)(a) and (c) is taken, for the purposes of this Act, to have operational control over the business activity.

(5) If more than one corporation satisfies subsection (2) at any one time, then the corporation that has the greatest authority to carry out subsection (2)(b) is taken, for the purposes of this Act, to have operational control over the premises.

Application of Act to Government

5.—(1) Except as provided in subsection (2), this Act binds the Government.

(2) Nothing in this Act renders the Government liable to prosecution for an offence.

(3) To avoid doubt, a person is not immune from prosecution for any offence under this Act by reason that the person is engaged to provide services to the Government.