



BELIZE

**WATER AND SEWERAGE ACT
CHAPTER 222**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
ARRANGEMENT OF SECTIONS	3
WATER AND SEWERAGE ACT	11
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CHAPTER 222

WATER AND SEWERAGE

ARRANGEMENT OF SECTIONS

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CHAPTER 222
WATER AND SEWERAGE¹

CAP. 185,
R. E. 1980-1990.
16 of 1970.
5 of 1976.
13 of 1978.
24 of 1980.
22 of 1987.
18 of 1989.
12 of 1991.
26 of 1994.
S. I. 17 of 1971.

[10th March, 1971]

Commencement.

1.-(1) This Act may be cited as the Water and Sewerage Act.

Short title.

(2) At any time after this Act has come into operation the Minister may, by Order published in the *Gazette*, declare any area of the country to be an area of water supply with effect from the date specified in such Order. When any area of the country becomes an area of water supply, the provisions of this Act relating to areas of water supply shall apply to such area.

(3) At any time after this Act has come into operation the Minister may, by Order published in the *Gazette*, declare any area of the country to be a sewerage disposal area with effect from the date specified in such Order. When any area of the country becomes a sewerage disposal area, the provisions of this Act relating to sewerage disposal areas shall apply to such area.

(4) The date on which any area of the country becomes an area of water supply or a sewerage disposal area shall, in respect of such area, be the vesting date for the purposes of section 11.

¹ The provision of water and sewerage services was declared to be a public utility pursuant to the Public Utilities Commission Act, Chapter 223.

(5) The Minister may appoint different dates for different areas of the country to become areas of water supply and different dates for areas of the country to become sewerage disposal areas. An area may be an area of water supply notwithstanding that it is not a sewerage disposal area and an area may be a sewerage disposal area notwithstanding that it is not an area of water supply.

Interpretation.

2. In this Act, unless the context otherwise requires:-

“approved trap” means any trap that performs the functions stated in the definition of “trap” herein;

“area of water supply” means any area declared by the Minister to be an area of water supply under section 1;

“Authority” means the Water and Sewerage Authority established by section 3;

“collecting sewer” means a common pipe, not being a street sewer, into which is discharged or into which it is intended to discharge the sewage from two or more premises and which conveys that sewage into a street sewer, and includes all appliances and accessories thereto;

“collecting sewer system” means a collecting sewer together with all the house-sewers by which sewage is conveyed into the collecting sewer;

“Commissioner” means a Water Commissioner appointed under section 3;

“communication pipe” means-

- (a) where the premises supplied or to be supplied with water abut on the part of the street in which the main is laid and the service pipe enters those premises otherwise than through the

outer wall of a building abutting on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practical, so much of the service pipe as lies between the main and the stopcock;

- (b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid and includes the ferrule at the junction of the service pipe with the main and also-
 - (i) where the communication pipe ends at a stopcock, that stopcock; and
 - (ii) any stopcock fitted on the communication pipe between the end thereof and the main;

“contravention” includes failure to comply, and “contravene” shall be construed accordingly;

“cut off” in relation to the supply of water, means stop the supply whether by operating a tap, by disconnecting pipes or otherwise;

“financial year” means the period of twelve months commencing on 1st April in any year and ending on the 31st March in the following year;

“house connection” means that portion of the house sewer outside the boundary of the premises;

“house sewer” means any drain or pipe for the drainage of the sewage from a house or building, its areas, water-closets, baths, offices and stables, to a street sewer or to a collecting sewer and includes the house connection, gully traps, sinks, approved traps and other accessories;

“land” includes any interest in land and any easement or right in, to or over land;

CAP. 87.

“local authority” means the Belize City Council and any Town Council constituted and established under the Town Council Act;

“main” means a pipe for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such pipe;

“premises” includes houses, buildings and land;

“service pipe” means so much of any pipe for supplying water from a main to any premises as is subject to water pressure or would be so subject but for the closing of some tap;

“sewage” includes the waste of animal life other than stable manure, the drainage of stable water and liquid waste discharged from sinks, basins, baths, and all other water which has been used for domestic purposes or in any industrial processes, and all waste water;

“sewerage disposal area” means any area declared by the Minister to be a sewerage area under section 1;

“sewerage works” means street sewer, collecting sewers, house sewers and works or appliances of every kind forming part of the construction of the sewer system or necessary, accessory or incidental thereto and includes pumping stations and treatment plants;

“soil pipe” means the pipe forming the connection between a watercloset and the house sewer, and includes all necessary appliances;

“stopcock” means a mechanical device for regulating the flow of liquid;

“street” includes any road or thoroughfare whether adapted for vehicular traffic or not and includes any pavement or foot-path adjoining such street;

“street sewer” means all sewers, pipes, manholes, gullies, flushing tanks, ventilating openings or shafts concerning the sewer system on and under the roads, streets and lands within a sewerage area;

“supply of water for domestic purposes” means a sufficient supply for drinking, washing, cooking and sanitary purposes and includes a supply for the purposes of a profession carried on in any premises the greater part whereof is used as a house except, however, that it does not include a supply of water for the business of a laundry or a business of preparing food or beverages for consumption other than on the premises;

“supply pipe” means so much of any service pipe as is not a communication pipe;

“trap” means a depressed portion of a drain pipe constructed to remain full with water in order to prevent the free passage of sewer air, insects or vermin;

“water closet” includes the necessary pan, supporting base, fitting, cisterns and other flushing arrangements, soil pipe and ventilation shaft, and any other connection usually used for collecting and conveying sewage from one place to another;

12 of 1991.

“watercourse” includes all rivers, streams, ditches, drains, culverts, dykes, sluices and passages through which water flows;

“waterworks” includes all pipes, mains, canals, weirs, buildings, erections, pumps and machinery, appliances and works used or intended to be used for or in connection with the supply of water for domestic purposes;

“water supply reserve area” means any area in the country so reserved and declared by the Authority. 5 of 1976.

- The Authority. 3.-(1) There is hereby established an Authority to be called the Water and Sewerage Authority which shall be a body corporate with perpetual succession and a common seal.
- 5 of 1976. (2) The Authority shall consist of nine members appointed by the Minister, called Water Commissioners, one of whom shall be nominated by the Minister responsible for Finance and another by the Minister responsible for Local Government.
- (3) There shall be a Chairman and a Deputy-Chairman of the Authority appointed by the Minister from among the Commissioners.
- 5 of 1976. (4) Subject to subsections (5) and (6), every appointment as a Commissioner shall be for such period, not exceeding two years, as may be specified in the appointment and every Commissioner shall be eligible for re-appointment.
- 5 of 1976. (5) A Commissioner may resign his appointment at any time by giving notice in writing to the Minister through the Chairman, and such notice shall take effect thirty days after receipt by the Minister of such notice of resignation.
- 5 of 1976. (6) The Minister may at any time revoke any appointment made by him under this section if such Commissioner-
- (a) becomes of unsound mind or is incapable of carrying out his duties;
 - (b) becomes bankrupt, or compounds with or suspends payment to his creditors;
 - (c) is convicted and sentenced to a term of imprisonment or to death;

- (d) is convicted of any offence involving dishonesty;
- (e) is guilty of misconduct in relation to his duties;
- (f) is absent, except on leave granted by the Authority, from three consecutive meetings of the Authority;
- (g) fails to carry out any of the duties or functions conferred or imposed on him under this Act;
- (h) refuses to act or withholds information as required under section 14(1).

(7) The Minister may appoint any person to be a temporary Commissioner if any Commissioner is for any reason unable to fill the functions of his office.

(8) Every appointment as a Commissioner and the termination of every appointment whether by resignation, revocation, effluxion of time or death shall be notified in the *Gazette*.

4.-(1) There shall be a common seal of the Authority which shall be in such form as the Authority may decide and which shall be kept in the custody of the Chief Executive Officer. Seal.
5 of 1976.

(2) The seal of the Authority shall be attested by the Chief Executive Officer or his deputy. 5 of 1976.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the signatures of one Commissioner and the Chief Executive Officer or his deputy. 5 of 1976.

5. Service upon the Authority of any notice, order or other document shall be effected by delivering or by sending it by registered post addressed to Service.

the Chief Executive Officer at the principal office of the Authority in Belize City.

Power to enter contracts and be sued, etc.

6.- (1) The Authority shall have power to make contracts whether for personal services or otherwise, to sue and be sued in its corporate name, to receive, acquire, purchase, lease, take, hold and enjoy any property whether movable or immovable for the purpose of its functions under this Act and to sell, mortgage, convey, assign, surrender, transfer or otherwise dispose of any such property when not so required.

(2) No action shall lie against the Authority, and the Authority may not be sued for any damages arising out of any impurity in the water supplied by the Authority or any insufficiency in or failure of the supply of water.

(3) Notwithstanding that any judgment may have been entered against the Authority, the property of the Authority, whether movable or immovable, shall not be liable to be sold by virtue of the order of any court.

Office.
5 of 1976.

7. The Authority shall have its principal office in Belize City and such sub-offices in such other places as it may think necessary.

Procedure and meetings of the Authority.

8.-(1) The Authority shall meet at least once a quarter and at such other times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Authority may determine. Such meeting will be convened by the Chairman of the Authority by written notice addressed to each Commissioner.

5 of 1976.

(2) The Chairman may at any time call a special meeting of the Authority and shall call a special meeting within seven days of the receipt of a requisition for that purpose addressed to him in writing by any three Commissioners.

(3) The Chairman, or in his absence the Deputy-Chairman, shall preside at all meetings of the Authority, but in the event that both Chairman and Deputy-Chairman are absent or unable to attend, the Commissioners present at the

meeting shall elect one from among themselves to act as Chairman at that meeting.

(4) Five Commissioners, one at least of whom shall be the Chairman or the Deputy-Chairman, shall form a quorum and, subject to the existence of a quorum, the powers of the Authority shall in no way be affected by any vacancy in the membership thereof. 5 of 1976.

(5) Decisions shall be by majority vote. The Chairman or Deputy-Chairman, if he so presides, shall have an original vote, and in any case in which the voting is equal, the Chairman or Deputy-Chairman presiding at the meeting shall have a casting vote.

(6) Decisions may be taken by circulation of papers provided that in all such cases the decision is unanimously agreed and it shall be recorded in the minutes of the next following meeting of the Authority.

(7) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman or the Deputy-Chairman at the next meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister within seven days.

(8) The Authority may co-opt any one or more persons to attend any particular meeting of the Authority for the purpose of assisting or advising the Authority, but no such co-opted person shall have any right to vote.

(9) Subject to this section, the Authority may by Standing Orders regulate its own proceedings.

(10) No personal liability shall attach to the Commissioners or any of them in respect of anything done or suffered in good faith under this Act and any sums of money, damages or costs which may be recovered against them or any of them for anything done or suffered as aforesaid shall be paid out of the funds of the Authority.

Appointment of committees.

9.-(1) The Authority may appoint committees to examine and report to it on any matter whatever arising out of or connected with any of its powers and duties under this Act.

(2) A committee appointed by the Authority shall consist of at least one Commissioner together with such other persons, whether Commissioners or not, whose assistance or advice the Authority may desire.

(3) Where persons, not being Commissioners, are members of a committee appointed under this section, the Authority may by resolution declare the remuneration and allowances of such persons, and such sums shall properly be so payable out of the funds and resources of the Authority.

(4) The Authority may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Authority may think fit.

Functions of the Authority.

10.-(1) In the exercise and performance of its functions, powers and duties under this or any other enactment, the Authority shall act in accordance with any special or general directions given to it by the Minister; but subject to this section, the Authority shall, when exercising and performing its functions, powers and duties, be subject to the control or direction of no other person or authority.

5 of 1976.

(2) In the performance of its functions and duties and in the exercise of its powers, the Authority may do all things that may be necessary or expedient to secure the advantageous execution of the purposes of this Act and in particular:-

- (a) the Authority may utilise the funds of the Authority for the purpose of discharging legal obligations and commitments of the Authority;
- (b) the Authority shall ensure that any loan made to the Authority

is utilised for the purpose for which it was made.

11.- (1) When any area of the country is declared an area of water supply or a sewerage disposal area, there shall vest in the Authority upon the vesting date as defined in section 1 all land and other property of every kind, things in action, rights, liabilities and obligations vested or deemed to be vested in any municipal or other public body, including the Government, in respect of the supply of water if the area be an area of water supply or of the disposal of sewage if the area be a sewerage disposal area.

Vesting of property.

(2) Where any municipal or other public body, including Government, was party to any agreement relating to the supply of water or disposal of sewage immediately before the vesting date, whether in writing or not and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by such body, such an agreement shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this subsection, have effect from the vesting date as if-

- (a) the Authority had been a party to the agreement;
- (b) for any reference (however worded and whether express or implied) to such body there were substituted as respects anything to be done on or after the vesting date a reference to the Authority;
- (c) for any reference (however worded and whether express or implied) to an Officer of such body there were substituted as respects anything falling to be done on or after the vesting date a reference to such person as the Authority may appoint or in default of such appointment to the Officer of the Authority who corresponds as nearly as may be to the first mentioned Officer;
- (d) in the case of an agreement for the rendering of personal services to any municipal or other public body, the services

to which the agreement relates were on or after the vesting date any services under the Authority which are reasonably equivalent.

(3) Other documents not being enactments which refer either specifically or generally to any such body shall be construed in accordance with subsection (2) as far as applicable.

(4) Without prejudice to the generality of subsections (1) to (3), where, by the operation of any of the said provisions any right, liability or obligation vests in the Authority, the Authority and all other persons shall, as from the vesting date, have the same rights, powers and remedies (and in particular the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any court or administrative authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Authority, and any legal proceedings or applications to any court or administrative authority pending on the vesting date by or against any such body, in so far as they relate to any property, right, liability or obligation vested in the Authority by this Act or to any agreement or document which has effect in accordance with subsection (2) or (3), or to any enactment applied to the Authority by or under this Act, shall be continued by or against the Authority to the exclusion of such other public body.

Only property used for supply of water or disposal of sewage affected.

12.- (1) In the case of any municipal or other public body, including the Government, section 11 shall only apply to property held or used by such body wholly or mainly in their capacity as a supplier of water or disposer of sewage, as the case may be, and also to rights, liabilities and obligations acquired or incurred by the municipal or other public body in their capacities as a supplier of water or disposer of sewage.

(2) References in section 11 to the property, rights, liabilities and obligations of any municipal or other public body, or to any agreement to which such

municipal or other public body was a party, or to documents referring to a municipality or other public body, or to legal proceedings or applications by or against such municipal or other public body, shall be construed as references to property held or used by such municipal or other public body wholly or mainly in its capacity as a supplier of water or disposer of sewage and rights, liabilities and obligations acquired or incurred by such municipal or other public body in the said capacities, or as the case may be, to agreements, documents, legal proceedings or applications of or relating to such municipal or other public body in its capacities as a supplier of water or disposer of sewage.

(3) Any question arising under this section as to whether any property is or was held or used by any municipal or other public body wholly or mainly in their capacity as a supplier of water or disposer of sewage, or whether any property is or was (for the purposes of subsection (4)), held or used partly in one or both of the said capacities and partly in another capacity or capacities, or whether any rights, liabilities or obligations were acquired or incurred by any municipal or other public body in one of the said capacities or whether any agreements or documents relate or related to such municipal or other public body in their capacity as a supplier of water or disposer of sewage shall, in default of agreement between such public body and the Authority, be determined by the Minister.

(4) The Minister may include in any Order made under section 1 provisions for excluding from the property, rights, liabilities and obligations which vest in the Authority by virtue of this Act such property, rights, liabilities or obligations held, used, acquired or incurred by any such municipal or other public body partly in their capacity as a supplier of water or disposer of sewage and partly in other capacities on such terms (which may include the payment of money) as may be agreed by the Authority and such municipal or other public body concerned or, in default of agreement, determined by the Minister.

13. The Authority shall, subject to the approval of the Minister, pay to each Commissioner in respect of his office, such indemnity for each meeting attended as the Authority thinks fit and subject to the like approval, to the Chairman and

Remuneration of Commissioners.

5 of 1976. Deputy-Chairman in respect of his office such indemnity, if any, in addition to any indemnity to which he may be entitled in respect of his office as Commissioner as subject to the like approval may be so determined.

Declaration of interest. 14.- (1) A Commissioner who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Authority or any other matter whatever in which the Authority is concerned, shall declare the nature of his interest at the first meeting of the Authority at which it is practicable for him to do so.

(2) A Commissioner shall not take part in any deliberation or decision of the Authority with respect to any contract or proposed contract with the Authority or any other matter whatever with which the Authority is concerned, in which he has any pecuniary interest, whether directly or indirectly.

(3) This section shall not apply to-

- (a) an interest in a contract or other matter which a Commissioner may have-
 - (i) as a consumer of water for domestic purposes provided by the Authority; or
 - (ii) as a ratepayer in respect of sewerage facilities provided by it; or
- (b) to an interest in any matter relating to the terms on which the right to participate in any service provided by the Authority, is offered to the public.

(4) For the purposes of this section, a person-

- (a) who, or any nominee of whom, is a shareholder or partner in a company or other body of persons (other than a statutory

authority); or

(b) who is an employee thereof,

shall be treated as having indirectly a pecuniary interest in a contract or other matter, if such company or such other body of persons is a party to the contract or proposed contract or has a pecuniary interest in such other matter under consideration.

(5) Nothing in subsection (4) shall apply to any person who, but for the provisions, of subsection (4), would not fall to be treated as having indirectly a pecuniary interest in a contract or other matter, if the total value of his shareholding or other interest does not exceed five *per centum* of the total nominal value of the issued share capital of the company or body.

(6) A Commissioner who fails to comply with this section commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars, unless he proves that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

15.-(1) Not more than six months after the end of every financial year, the Authority shall make a report of all its proceedings in such year to the Minister, which shall be laid before the National Assembly.

Annual report
of Authority.
5 of 1976.

(2) Without limitations on the discretion of the Authority as to matters to be included in the annual report that report, shall specifically include-

- (a) a description of the Authority's activities during the year under review;
- (b) a copy of the audited accounts.

Appointments. 16.-(1) The Authority may, subject to approval of the Minister, appoint in such time as it may determine from time to time a Chief Executive Officer of the Authority and such other officers, engineers, skilled workmen, accountants and employees as it may from time to time consider necessary for the due and efficient performance of its duties and functions under this Act.

5 of 1976.

(2) The Chief Executive Officer shall be responsible for the day-to-day management, direction and control of the business of the Authority.

(3) In cases where the Chief Executive Officer is absent and unable to perform his duties due to sickness, leave or other cause, the Authority shall appoint a Deputy Chief Executive Officer.

(4) The Authority may, if it thinks fit, seek the advice of any professionally or technically qualified person and may pay such sum as may be appropriate for such advice.

Employment. 17. -(1) The Authority shall give first consideration for appointment under section 16 to such persons as were immediately before the coming into force of this Act employed by any municipal or other public body in this country whose functions are taken over by or transferred to the Authority.

5 of 1976.

(2) Subject to subsection (1), the Authority shall in its practice relating to the appointment and dismissal of officers and employees and as to the general condition of employment observe in so far as is practicable any Government (Open Vote) Workers Regulations and Public Service Regulations as may be in force.

Terms of employment. 18. The terms and conditions upon which any persons mentioned in section 17 are employed by the Authority shall be such as are agreed between the Authority and the previous employer and shall not be less favourable to the employee than the terms and conditions upon which he was employed by such previous employer.

19.-(1) Any Officer in the public service may, with the consent of the Governor-General in the case of officers appointed under section 107 of the Belize Constitution and the Public Services Commission in the case of officers appointed under section 106 of the Belize Constitution, be transferred on secondment to the service of the Authority, but in no case shall a period of transfer on secondment exceed three years.

Transfer on secondment. CAP. 4.

(2) Where any secondment is effected, the rights of any Officer so transferred to any pension, gratuity or other allowance for which he would have been eligible if he had remained in the public service shall be preserved.

20. The Authority shall, within the period of three years from its establishment, by regulations confirmed by the Minister, provide for the establishment and maintenance of a pension scheme for the benefit of its officers and employees, including any such persons who are seconded to the Authority.

Pension scheme.

21. Without prejudice to the generality of section 20, the pension scheme may enable the Authority to-

Content of pension scheme.

- (a) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependants of its officers and employees;
- (b) establish contributory superannuation schemes and establish and contribute to superannuation funds for the benefit of its officers and employees; and
- (c) enter into and carry into effect agreements with any insurance company or other association or company for securing to any such Officer, employee, widow, family or dependent such gratuities, pensions or allowances as are by this Act authorised to be granted.

Responsibility of officers.

22.-(1) All officers charged with the receipt, accounting for or disbursement of moneys or with the custody or delivery of stores, or other property belonging to the Authority shall be individually responsible for the due and efficient discharge of their respective duties and for the exercise of proper supervision of the accounts kept or controlled by them and of all property entrusted to their care, and for the due observance of all rules and regulations, and of all orders and instructions prescribed for their guidance.

(2) The Authority may make regulations requiring any Officer or employee in its service to give security to its satisfaction for the due performance of his duties.

Financial provisions.

23.-(1) The Authority shall so exercise and perform its functions as to ensure that its revenue is not less than sufficient to-

- (a) cover operating expenses, including taxes, if any, and to provide adequate maintenance and depreciation, and interest payments on borrowings;
- (b) meet periodic repayment on long term indebtedness to the extent that any such repayment exceeds the provisions for depreciation; and
- (c) create reserves for the purpose of future expansion.

(2) The sums required for any of the purposes of the Authority shall be met out of the funds and resources of the Authority.

(3) Subject to subsection (1), the Authority may, in such manner as is considered appropriate, but subject to the approval of the Minister responsible for Finance as to the amount of the loan, the rate of interest, period of the loan and terms as to time and method of repayment, borrow sums required by it for meeting any of its obligations and discharging any of its functions.

24.- (1) The funds and resources of the Authority shall consist of-

Funds and resources of Authority.

- (a) such amounts as may be appropriated therefor by the National Assembly;
- (b) all sums from time to time received by or falling due to the Authority in respect of its operations;
- (c) sums borrowed by the Authority for the purpose of meeting any of its obligations or discharging any of its functions;
- (d) all other sums or property that may in any manner whether by gift or otherwise become payable to or vested in the Authority in respect of any matter incidental to its powers and duties;
- (e) such amounts as shall accrue to the Authority under section 11 on any vesting date; and
- (f) such amounts as may be borrowed in accordance with subsection (2).

(2) The Minister responsible for Finance may, with the approval of the National Assembly, lend to the Authority from the Consolidated Revenue Fund or from any funds deposited with the Government, upon such terms as may be agreed, any sum required for the purpose of the business of the Authority.

(3) Notwithstanding anything in subsection (2), the Minister responsible for Finance may approve any advance to the Authority for a period of not more than three months pending the raising of a loan by the Authority.

25.-(1) The Government may guarantee, in such manner and on such conditions as it thinks fit, the payment of the principal and interest in respect of any borrowing of the Authority under section 23 (3).

Guarantee of borrowings of Authority.

(2) Where the Minister is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under this section, he shall, with the approval of the National Assembly, direct the repayment out of the Consolidated Revenue Fund of the amount in respect of which there has been such default.

(3) The Authority shall pay into the Consolidated Revenue Fund, at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under this section and payments of interest on what is outstanding for the time being in respect of any sums so issued at rates as the Minister may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

Application of
revenue.

26.-(1) The revenue of the Authority for any financial year shall be applied in defraying the following charges-

- (a) the remuneration and allowances of the Commissioners or of any committee of the Authority;
- (b) the salaries, fees, remuneration and gratuities (including payments for the maintenance of any pension scheme authorised by this Act) of the officers, agents and servants, and technical and other advisers, of the Authority;
- (c) the purchase of equipment and properties, the working operations and establishment expenses and expenditure on, or provision for, the maintenance of any of the works or installations of the Authority, and the insurance of the same and the discharge of the functions of the Authority properly chargeable to revenue account;
- (d) interest on any debentures and debenture stock or other security issued and on any loan raised by, or made to, the

Authority;

- (e) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security or the repayment of other borrowed money;
- (f) such sums as may be considered appropriate to set aside in respect of depreciation on the property of the Authority, having regard to the amount set aside out of the revenue under paragraph (e); and
- (g) any other expenditure authorised by the Authority and properly chargeable to revenue account.

(2) The balance, if any, of the revenue of the Authority shall be applied to the creation of reserve funds to finance future expansion or, where there is already a sufficient reserve fund, on the direction of the Minister responsible for Finance, shall be paid into the Consolidated Revenue Fund. 18 of 1989.

27. Funds of the Authority not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Authority may be invested from time to time in securities approved by the Minister responsible for Finance for investment by the Authority. Authorised investments. 18 of 1989.

28.-(1) The rates and charges to be charged by the Authority for the supply of water, sewerage facilities and other services and facilities shall be in accordance with such rates and charges as may, from time to time, be prescribed by by-laws made under this Act. Duty of the Authority in financial matters.

(2) Where the Authority is by this Act empowered to prescribe rates and charges for the supply of water, sewerage facilities and other services and facilities, the Authority shall not-

- (a) show undue preference as between consumers or rate payers similarly situated; or
- (b) exercise undue discrimination as between persons similarly situated, having regard to the place and time of supply, the quantity of water supplied, the regularity of supply and the purposes for which the supply is taken.

Accounts and
audit.

29.-(1) All decisions, orders, rules and regulations relating to the financial operations of the Authority and authorised by this Act shall be made by resolution of the Authority at a meeting thereof and shall be recorded in the minutes of the Authority.

(2) The Authority shall keep separate and proper accounts and other records in respect of its water operations and its sewerage operations and shall cause to be prepared separate statements in respect of both for each financial year.

(3) The accounts of the Authority shall be audited by auditors to be appointed by the Authority with the approval of the Minister.

(4) As soon as possible after the end of each financial year and in any event not later than six months thereafter the Authority shall transmit to the Minister a copy of the income and expenditure account of the Authority for the year together with a statement of the assets and liabilities of the Authority at the end of the financial year referred to, together with a certificate by the auditors either attached or endorsed thereon that in their opinion and to the best of their information, according to the explanations given them, the statement and account give a true and fair view-

- (a) in the case of the statement of assets and liabilities of the state of the Authority's affairs as at the end of its financial year; and
- (b) in the case of the income and expenditure account of the sur

plus or deficit for the period stated.

(5) Unless otherwise stated in the certificate or in a report attached to the certificate, statement and account, a certificate furnished in accordance with subsection (4) shall imply that the auditors-

- (a) have obtained all the information and explanations which to the best of their knowledge and belief were necessary for the purposes of the audit; and
- (b) are satisfied that proper books of account have been kept by the Authority, and that the statement and account presented are in agreement with the books of account.

(6) The Minister shall cause a copy of every such statement and report to be laid before the National Assembly as soon as may be practicable and in any event not later than the meeting of the Assembly next but one after the receipt by him of such statement.

(7) The Authority shall, in such form and by such dates as may be prescribed by the Financial Secretary, prepare and submit to the Minister responsible for Finance, through the Minister responsible for the Authority, estimates of income receivable and the expenditure to be incurred during each financial year (including any supplementary estimates), and the Minister responsible for Finance shall present the said estimates to the National Assembly with such amendments, if any, as he may consider necessary.

Submission of budget estimates. 18 of 1989.

(8) Notwithstanding anything in this section, the Minister may, in his discretion, at any time require the Auditor-General to examine the report on the accounts as well as the accounts of the Authority, in which event the Authority shall afford the Auditor-General all facilities for examination as the Auditor-General may require.

5 of 1976.

Rules made by the Authority. 30.-(1) For the purpose of regulating and controlling its financial operations, the Authority shall make regulations in respect of the following matters-

- (a) the manner in which and the officers by whom payments are to be approved;
- (b) the bank or banks into which the moneys of the Authority are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;
- 5 of 1976. (c) the appointment of any member of the Authority along with the Chief Executive Officer or his Deputy to countersign cheques on behalf of the Authority;
- (d) the method to be adopted in making payments out of the funds of the Authority; and
- (e) generally as to all matters necessary for the proper keeping and control of the finances of the Authority.

5 of 1976. (2) The Authority, subject to the approval of the Minister, may make regulations generally for the better carrying out of the purpose and objects of this Act.

Power of Authority to appoint local authorities its agents for certain purposes. 31. The Authority may, where it considers it necessary or expedient, appoint, upon such terms and conditions as it may determine, any local authority its agent with respect to any area within the jurisdiction of such local authority for the purpose of-

- (a) the administration of the water supply;
- (b) the provision of water supplies,

within such area.

32.-(1) The Authority shall be solely responsible in any area of water supply for maintaining and developing the waterworks and other property vested in it by virtue of this Act, for altering any of the existing waterworks in an area of water supply and for constructing waterworks or additional waterworks, for increasing or improving the water supply of water in any area of water supply and for administering the supply of water thereby established and promoting the conservation and proper use of water resources and the provision of water supplies in the country.

Authority responsible for supply of water, etc.

(2) No person other than the Authority shall, without the consent of the Authority, supply water within an area of water supply.

(3) Nothing in subsection (2) shall prevent any person maintaining a supply of water for the use of his household.

33.-(1) The Authority may from time to time-

- (a) cause fixtures and fittings to be erected and pipes to be laid and carried through, across, over or under any land whatever, enclosed or otherwise, after reasonable notice in that behalf to the owner or occupier;
- (b) enter or authorise any person to enter upon any land at any time, and where practicable after reasonable notice to the owner or occupier, and to remain thereon as long as may be necessary for the purpose of effectually doing any act or thing as may be reasonably necessary for the purpose of or incidental to the exercise of any power or the performance of any duty of the Authority, or for carrying into effect any of the provisions of this Act.

Power of Authority with regard to private property. 13 of 1978.

(2) In the exercise of the powers given by this section, the Authority shall not be deemed to acquire any right other than that of user only in or over the soil of any enclosed and other land whatever through, across, over or under

13 of 1978.

which it places any of its works; and should any of such works so carried through, across, over or under any such land become a nuisance or the cause of loss to the owner of such land, the Authority shall give reasonable compensation as provided by subsections (3) and (4).

13 of 1978.

(3) In the exercise of the powers given by this section, the Authority shall do no more damage than is necessary in the circumstances and shall make full compensation to any person interested for all damage sustained by him by reason or in consequence of the exercise of such powers.

13 of 1978.

(4) In the event of disagreement, the amount of such compensation shall be ascertained by arbitration, but no compensation shall be payable in respect of any right of user acquired under the authority of subsection (2).

Authority of water
purveyor.
13 of 1978.

34. -(1) The Authority may in any area of water supply, by Order published in the *Gazette* upon such terms and conditions as it thinks fit, authorise any person (hereinafter called a “water purveyor”) to supply water to any other person in the area defined in the Order.

(2) Any Order made under subsection (1) may vest in a water purveyor any of the powers vested in the Authority under this Act.

Licences to
abstract water for
industrial pur-
poses.

35.-(1) The Authority may in any area of water supply, grant a licence upon such terms and conditions as it thinks fit authorising any person to acquire water rights for abstraction from a watercourse or any waterworks of sufficient water for the purposes of any industry respecting which no other reasonably practicable means of obtaining water for the purpose are available.

(2) A licensee under this section shall have power to construct and maintain all necessary works for the purpose of impounding or diverting, abstracting and using water acquired under his licence.

(3) In deciding whether to grant a licence under this section and in determining the conditions thereof, the Authority shall have regard to the relative

importance to the public interest of the damage likely to be done to other persons by the abstraction of water as compared with the importance and necessities of the industry for which the water is required.

(4) Any person aggrieved by a decision of the Authority to grant a licence or by any of the conditions attaching thereto may appeal to the Minister whose decision shall be final.

(5) Where the Authority so license any person, it shall incorporate in such licence such of the provisions of this Act (subject to any modifications it thinks fit) as it considers appropriate, and the licensee shall have and exercise such powers and perform such duties in relation to the subject matter of the licence as are given to it under this Act and by such licence.

(6) Subject to this Act, a licensee under this section may enter into, perform and enforce such agreements with any person in relation to his water supply as he considers appropriate, and in particular, such agreements with respect to the acquisition of land or water rights and the maintenance and improvements of his waterworks.

(7) In this section, "industry" includes the oil mining industry and irrigation and inundation for agricultural purposes.

36.-(1) The Authority may require any local authority or a water purveyor to-

- (a) carry out a survey in an area of water supply of the existing consumption of and demand for water supplies in the area where a water purveyor is supplying or is authorised to supply water or where a local authority has been appointed agent of the Authority under section 31 and of the water resources in or available for that area;
- (b) prepare an estimate of the future water supply requirements of that area;

Power to require local authorities and water purveyors to carry out surveys and formulate proposals.

- (c) in the case of a water purveyor, formulate proposals for meeting the existing or future water supply requirements of that area, including proposals for the joint use with the Authority or any other water purveyor of any existing or proposed new source of water supply;
- (d) submit a report on any of the matters mentioned in this subsection to the Authority within such time as the Authority may specify.

(2) The Authority may itself from time to time, and shall, if so required by the Minister-

- (a) carry out the several matters referred to in subsection (1), whether in an area of water supply or not; and
- (b) formulate proposals for meeting the existing or future water supply requirements of the country or of any part thereof; and shall submit a report to the Minister on any such matters or on such matters as are submitted to it pursuant to subsection (1) by a local authority or water purveyor.

Power of Authority to require records and information from persons abstracting water.

37.-(1) The Authority may make by-laws requiring agents, licencees and water purveyors to keep such records and furnish such returns as to the quantity and quality of water abstracted by them from any source and as to such other matters relating to the source as may be prescribed by the by-laws, but so however that-

- (a) the by-laws shall not apply in a case where water is abstracted by an individual for the domestic purposes of his household only;
- (b) in a case where the Authority is satisfied that in all the circumstances compliance with any requirement of the by-laws

is impracticable or undue expense would be thereby incurred, the Authority may direct that that requirement need not be complied with.

(2) The by-laws may provide for the inspection of any records kept thereunder and by any apparatus used for the purpose thereof and for the taking of copies and extracts from any such records and may confer rights of entry for the purpose of exercising any of the powers specified in this section, and section 98 relating to entry of premises shall apply to any such right of entry.

38. The Authority or any water purveyor may enter into agreements with the owners and occupiers of any land, or with a local authority, with respect to the execution and maintenance by any party to the agreement of such works as the Authority or the water purveyors consider necessary for the purpose of draining that land or for more effectually collecting, conveying or preserving the purity of water which the Authority or the water purveyor is for the time being authorised to take.

Agreements as to drainage, etc., of land.

39.-(1) If the Authority is of the opinion that in any area of water supply a serious deficiency of water available for distribution by it or by a water purveyor exists or is threatened, the Authority may, for such period as it thinks necessary, by Order published in the *Gazette*, prohibit or restrict as respects the whole or any part of its own water supply system or that of a water purveyor the use, for the purpose of watering private gardens or washing private motor cars, of any water supplied by it and drawn through a hosepipe or similar apparatus.

Power to prohibit or restrict temporarily use of hosepipes.

(2) In subsection (1), the expression "private motor car" means a motor vehicle intended or adapted for use on roads, other than a public service vehicle within the meaning of the Motor Vehicles and Road Traffic Act, or a goods vehicle within the meaning of that Act.

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(3) The Authority shall, at least three days before the prohibition or restriction comes into force, publish in one or more newspapers circulating in the

country, notice of the prohibition or restriction and of the date when it will come into force.

(4) Any person who contravenes any Order made under this section commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

(5) During any period when a prohibition or restriction imposed under this section is in force, any Officer of the Authority shall, on producing if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises in any area to which the prohibition or restriction applies for the purpose of ascertaining whether there is or has been any contravention of the prohibition or restriction; and the provision of this Act relating to entry of premises shall apply to any such right of entry.

By-laws for preventing waste, misuse or contamination of water.

40.-(1) The Authority may make by-laws for preventing waste, undue consumption, misuse or contamination of water supplied by it or by a water purveyor, and for regulating all matters relating to the construction, renovation or maintenance of any sewers.

13 of 1978.

(2) By-laws made under this section may include provisions-

- (a) prescribing any size, nature, materials, strength and workmanship and the mode of arrangement, connection, disconnection, alteration and repair of the water fittings to be used; and
- (b) forbidding the use of any water fittings which are of such a nature or are so arranged or connected as to cause or permit, or be likely to cause or permit waste, undue consumption, misuse, erroneous measurement or contamination of water or reverberation in pipes;

5 of 1976.

(c) declaring any area to be an area of water supply;

- (d) forbidding the carrying out of any developments so declared from time to time in any by-laws of the Authority in any area declared to be a water supply reserve area;
- (e) forbidding any person from working as a plumber without a licence from the Authority;
- (f) prescribing the size, nature, materials, strength and workmanship and the mode of arrangement, connection, disconnection, alteration and repair of the fittings used in any sewerage system. 13 of 1978.

(3) Where any person contravenes any by-laws made under this section, the Authority may, without prejudice to its right to take proceedings for a fine in respect of such contravention, cause any water fittings belonging to or used by that person which are not in accordance with the requirements of the by-laws to be altered, repaired or replaced, and may recover the expenses reasonably incurred by it in so doing from the person in default as a civil debt.

41.-(1) Where it appears to the Authority to be necessary for the purpose of protecting against pollution any water, whether in an area of water supply or not, whether on the surface or underground, and whether or not such water belongs to it or to a water purveyor or which the Authority or a water purveyor is for the time being authorised to take, the Authority may make by-laws which shall be applicable to such area as may be specified therein prohibiting or regulating the doing within such area of any act that may cause pollution. By-laws for preventing pollution of water of Authority, etc.

(2) Where an area has been specified in any by-laws made under this section, the Authority or a water purveyor may by notice in writing require the owner or occupier of any premises within that area to execute and keep in good repair within such time as may be stipulated in the notice such works as are considered necessary for preventing pollution of any water on such premises and, if such person fails to comply with any such requirement, he shall be liable on summary conviction to the same penalties as if he had committed an

act prohibited by the by-laws.

(3) Any owner or occupier who considers that any requirement made of him under subsection (2) is unreasonable may, within fourteen days after service on him of the notice, appeal to the Minister who may either determine the appeal himself or, if he thinks fit, may refer it for determination by an arbitrator to be appointed by him, and the Minister or arbitrator may, if he decides that the requirement is unreasonable, modify or disallow the requirement.

(4) Where any person has failed to comply with a requirement made on him under subsection (2) and either-

- (a) he has not appealed to the Minister against that requirement and the time for appealing has expired; or
- (b) his appeal has been dismissed or the requirement has been modified on his appeal and he has failed to comply with the requirement as so modified,

the Authority may, without prejudice to its rights to take proceedings for a fine in respect of such failure, execute and keep in good repair the works specified in the requirement as originally made or, as the case may be, as modified on appeal, and may recover the expenses reasonably incurred by it in so doing from the person in default as a civil debt.

Penalty for
polluting water
used for human
consumption.

42.-(1) If any person is guilty of an act or neglect whereby any spring, well or other source of water whether within an area of water supply or not, the water from which is used or likely to be used for human consumption or domestic purposes, or for manufacturing food or drink for human consumption, is polluted or likely to be polluted, he shall be guilty of an offence.

(2) Nothing in this section shall be construed as prohibiting or restricting-

- (a) any method of cultivation of land which is in accordance with the principles of good husbandry; or
- (b) the reasonable use of oil or tar on any highway maintainable at the public expense, so long as the highway authority take all reasonable steps for preventing the oil or tar, or any liquid or matter resulting from the use thereof, from polluting any such spring, well or other source of water.

43.-(1) All by-laws made by the Authority under the powers conferred by this Act shall be subject to confirmation by the Minister.

General provisions as to by-laws.

(2) Not less than one month before any by-laws are submitted to the Minister for his confirmation, a copy of such by-laws shall be deposited at the principal office of the Authority and shall be open to public inspection without payment during regular office hours on all days except Sundays, Saturdays and public and bank holidays.

(3) The Authority shall, by notice published in the *Gazette* and in at least one newspaper circulating in the country, before any by-laws are deposited in accordance with subsection (2), give notice of its intention to apply for confirmation of the by-laws and that such by-laws are open to inspection at its principal office.

(4) The Authority shall, at the request of any person, furnish to him a copy of the proposed by-laws upon the payment of such sum as the Minister may from time to time by Order prescribe.

13 of 1978.

(5) The Minister may confirm or refuse to confirm any by-laws submitted to him for confirmation or may return the by-laws to the Authority indicating what amendments he considers necessary.

(6) Where the Authority has amended any proposed by-laws as a result of the return of such by-laws by the Minister, subsections (1) to (4) shall apply

to such amended by-laws.

(7) Any by-laws made by the Authority under powers conferred by this Act may contain provisions for imposing on any person contravening the by-laws a penalty not exceeding one hundred dollars or three months imprisonment or, in the case of a continuing offence, a fine not exceeding fifty dollars for each day the offence continues after conviction.

(8) An officer of the Authority authorised by it in writing for the purpose shall on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises in any area to which the by-laws apply, for the purpose of-

- (a) ascertaining whether there is or has been any contravention of the by-laws;
- (b) in the case of by-laws made under section 40, exercising any right conferred on the Authority by subsection (3) of that section; or
- (c) in the case of by-laws made under section 41-
 - (i) ascertaining whether or not circumstances exist which would justify the Authority making a requirement under subsection (2) of that section; and
 - (ii) exercising any right conferred on the Authority by subsection (4) of that section to execute and maintain works,

and the provisions of this Act relating to entry of premises shall apply to any such right of entry.

(9) By-laws made by the Authority under the powers conferred by this

Act may make different provisions for different areas of water supply or different sewerage disposal areas, as the case may be, and for different parts of the same area of water supply or sewerage disposal area.

44.-(1) The Authority may on any land belonging to it or over or in which it has acquired the necessary easements or rights, construct and maintain drains, sewers, watercourses, catchpits and other works for intercepting, treating or disposing of any foul water arising or flowing upon that land, or for otherwise preventing water which belongs to the Authority or which the Authority is for the time being authorised to take, from being polluted.

Execution of works for protection of water.

(2) If the Authority is proposing to construct any drain, sewer or watercourse for any of the purposes mentioned in subsection (1), it may carry the drain, sewer or watercourse under, across or along any street and such statutory provisions with respect to the breaking open of streets as are applicable to the Authority shall, with any necessary modifications and adaptations, apply accordingly.

45.-(1) The Minister may, on the application of the Authority, by Order provide for the compulsory acquisition by it of such rights to take water, whether in an area of water supply or not, from any stream or other source as may be specified in the Order.

Power of Authority to acquire water rights.

(2) Where such acquisition of rights will result in the impounding of any stream, the Minister shall, in any Order for the compulsory acquisition of such rights, prescribe the quantity of water to be provided by the Authority by way of compensation for the loss of rights to take water.

(3) Where such acquisition of rights will, in the opinion of the Minister, substantially reduce the flow of any stream, the Minister shall in any Order for the compulsory acquisition of such rights prescribe the extent to which and the circumstances in which water may be taken.

(4) In assessing the quantity of water to be provided by way of compen-

sation under any such Order, or in determining the extent to which and the circumstances in which water may be taken under any such Order, the Minister shall have regard to all the circumstances of the particular case, including-

- (a) the character and flow of the stream;
- (b) the extent to which the stream is or may in the future be used for industrial purposes, fisheries, water supply when appropriated by the Authority;
- (c) the effect on land drainage or on any canal or inland navigation of any alterations in the flow of the stream,

and shall secure, as far as practicable, that the flow of the stream does not fall below the minimum quantity necessary to secure the interest of public health and the protection of the rights of riparian and other land-owners.

(5) On the making of an application for an Order under subsection (1), the Authority, as the case may be, shall publish once at least in each of two successive weeks in at least one newspaper circulating in this country, a notice-

- (a) stating the general effect of the Order;
- (b) specifying a place where a copy of the draft Order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice;
- (c) stating that within the said period, any person may by notice to the Minister object to the application.

(6) A person who is aggrieved by any provision of the draft Order may object to the application for the making of the Order and the Minister may

determine the objection himself, or if he thinks fit, may refer it for determination by an arbitrator to be appointed by the Minister and the Minister or arbitrator may uphold or disallow the objection.

46. Where the Authority is authorised under section 45 to take any water it shall, before taking any such water, construct on a site approved by the Minister such gauges as may be necessary to gauge the quantity of water taken and the flow of the stream, if any, and shall not take any water in excess of the quantity authorised to be taken or take any water while the flow of water through or over the gauge is less than the flow prescribed in the Order.

Amount and measurement of water taken.

47. The Authority may, in its discretion, erect, maintain and supply with the water in such places within the country as it thinks fit, public stand-pipes for the public use and may remove any such stand-pipe which, in its opinion, is no longer required and may make by-laws as to the use of water from public stand-pipes.

Public stand-pipes.

48.-(1) Subject to subsection (2), if the Authority is carrying out or is about to carry out the construction, alteration, repair, cleaning or examination of any reservoir, well or borehole, line of pipes or other work forming part of its undertakings, it may cause the water therein to be discharged into any available watercourse and for that purpose may lay and maintain in any street, whether within or outside its limits of supply, all necessary discharge pipes and apparatus, and the provisions of this Act with respect to the breaking open of streets shall, with any necessary modifications and adaptations, apply accordingly.

Temporary discharge of water into watercourses.

(2) Except in a case of emergency, the Authority shall have due regard to any representations which may be made to it as to the time, mode and rate of discharge, with a view to avoiding or minimising injury or inconvenience therefrom.

49. Any person who-

(a) in keeping any record or journal or in furnishing any return,

Penalty for giving false information.

abstract or information which he is required by or under this Act or under any regulations or by-laws made thereunder to keep or furnish, knowingly or recklessly makes any statement which is false in a material particular; or

- (b) for the purpose of obtaining any licence from the Minister, knowingly or recklessly makes any statement which is false in a material particular,

commits an offence and is liable-

- (i) on summary conviction, to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months, or to both such fine and term of imprisonment; or
- (ii) on conviction on indictment, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

Laying of supply pipes, etc.

50.-(1) An owner or occupier of any premises within an area of water supply who desires to have a supply of water for domestic purposes from the Authority shall, subject as hereinafter provided, make application therefor to the Authority which may, if it approves, lay the necessary supply pipe.

(2) At or before the time of making such application, the owner or occupier shall pay or tender to the Authority such sum as may be payable in advance by way of water rate in respect of his premises.

(3) If so directed by the Authority, the owner or occupier shall lay the supply pipe at his own expense, having first obtained the consent of the owner of any land not forming part of a street, being land intervening between the communication pipe and the premises to be supplied with water except that, where any part of the supply pipe is to be laid in a highway, he shall not himself

break open the highway or lay that part of the pipe.

(4) Where the Authority lays the supply pipe on behalf of the owner or occupier-

- (a) such owner or occupier shall first obtain the consent of the owner of any land not forming part of a street, being land intervening between the communication pipe and the premises to be supplied with water; and
- (b) the expenses reasonably incurred by the Authority in executing the work shall be repaid to it by the owner or occupier respectively, and may be recovered by it from him as a civil debt.

(5) Notwithstanding anything in subsections (1) to (4), the Authority to whom such an application as aforesaid is made may, within seven days after the receipt thereof, require the person making the application either to pay to it in advance the cost of the work, in accordance with the scale of charges prescribed by the Authority therefor, or to give security for payment thereof to its satisfaction.

51.-(1) Upon approval of the application referred to in section 50, the Authority shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a highway and shall connect the communication pipe with the supply pipes.

Laying of communication pipes, etc.

(2) Where, in accordance with subsection (1), any part of the supply pipe is to be laid in a highway, it may elect to lay a main in the highway for such distance as it thinks fit *in lieu* of a supply pipe, and in that case shall lay a communication pipe from the main and connect it with the supply pipe.

(3) The expenses to be incurred by the Authority in executing the work which it is required or authorised by this section to execute shall be payable to it in advance by the person by whom the application was made, in accordance

with the scale of the charges prescribed by the Authority therefor, except that if under this section the Authority lay a main *in lieu* of part of a supply pipe, the extra cost incurred in laying a main instead of a supply pipe shall be borne by the Authority.

Power of Authority to require separate service pipes.

52.-(1) Subject to this section, the Authority may require the provision of a separate service pipe for each house or other building supplied, or to be supplied, by it with water.

(2) If, in the case of a house or other building already supplied with water but not having a separate service pipe, the Authority gives notice to the owner or occupier of the house or building requiring the provision of such a pipe, the owner or occupier shall within three months lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a highway and the Authority shall, with all reasonable dispatch after he has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a highway, and make all necessary connections.

(3) If an owner upon whom a notice has been served under subsection (2) fails to comply therewith, the Authority may itself execute the work which the owner or occupier was required to execute.

(4) The expenses reasonably incurred by the Authority in executing the work which it is required by subsection (2) to execute, or which it is empowered by subsection (3) to execute, shall be repaid to it by the owner or occupier of the house or building and may be recovered by it from such owner or occupier summarily as a civil debt, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the house or building.

(5) For the purposes of subsections (1) to (4), two or more buildings in the same occupation and forming part of the same hereditament for rating purposes shall be treated as a single building.

(6) Where the owner of a group or block of houses is liable by law or undertakes in writing to pay the water rates in respect of all those houses, then, so long as he punctually pays those rates and the supply pipe of those houses is sufficient to meet the requirements thereof, the Authority shall not require the provision of separate service pipes for those houses.

(7) Without prejudice to subsection (6), where, on the coming into force of this Act, two or more houses were being supplied with water by a single service pipe, the Authority shall not require the provision of separate service pipes for those houses until either-

- (a) the existing supply pipe becomes so defective as to require renewal, or is no longer sufficient to meet the requirements of the houses; or
- (b) an instalment of the water rate in respect of any of the houses remains unpaid after the end of the period for which it is due; or
- (c) the houses are, by structural alterations to one or more of them, converted into a larger number of houses.

53.-(1) All communication pipes in an area of water supply, whether laid before or after the coming into force of this Act, shall vest in the Authority and the Authority shall at its own expense carry out any necessary works of maintenance, repair or renewal of such pipes and any work on its mains incidental thereto.

Vesting of communication pipes and repair of such pipes and of supply pipes in highways.

(2) The Authority shall also carry out any such necessary works as aforesaid in the case of so much of any supply pipe as is laid in a highway, and may recover the expenses reasonably incurred by it in so doing summarily as a civil debt from the owner or occupier of the premises supplied by the pipe, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the premises.

Provision as to position, etc., of stopcocks.

54.-(1) On every service pipe laid in any area of water supply after the coming into force of this Act, the Authority shall, and on every service pipe laid before that date, the Authority may, fit a stopcock enclosed in a covered box or pit of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service pipe in an area of water supply after the coming into force of this Act shall be placed in such position as the Authority considers most convenient, but so that-

- (a) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises; and
- (b) a stopcock in a street shall, after consultation with the highway authority concerned, be placed as near to the boundary thereof as is reasonably practicable.

Water rate.

55.-(1) Where the Authority supplies water to any premises, it may charge in respect thereof an annual water rate which shall be such proportion of the annual value of the premises as may be prescribed by the Minister.

(2) For the purposes of this section, the annual value of any premises shall be taken to be the value as appearing in the valuation roll in force on the first day of the period covered by the water rate:

Provided that if the premises do not appear in any valuation roll or if the rate is chargeable on only a proportion of the hereditament entered therein, the annual value shall be taken to be such sum or such apportioned part of the annual value, as the case may be, as may be agreed between the Authority and the owner or occupier of the premises to be supplied or, in the absence of such an agreement, as may be determined by a court of summary jurisdiction.

Prescription of water rate.

56.-(1) The Minister shall prescribe by Order the proportion of the annual value of any premises which is to be the water rate in respect of a period of

twelve months commencing 1st January and such rate shall be payable by equal quarterly instalments payable in advance.

(2) A water rate shall, unless and until a new rate is made, continue to operate in respect of each successive period of twelve months.

57.-(1) Where under any Act relating to the assessment of the value of any premises an amendment is made to the assessment roll for the time being in force, the amendment shall for the purpose of calculating the amount due in respect of any water rate payable, have effect retrospectively as from the date when the amendment came into operation and, notwithstanding anything in section 56 with respect to the equality of instalments of a water rate, any necessary adjustments shall be made in the then current instalments of the rates and any subsequent instalments thereof.

Alteration of assessment roll.

(2) If it is found that by reason of subsection (1), too much or too little has been paid in respect of any water rate, the difference shall be repaid or allowed or, as the case may be, shall be paid and may be recovered in the manner in which water rates are recoverable.

58. If it is shown to the satisfaction of a magistrate on sworn information in writing that any person is quitting, or is about to quit, premises to which the Authority supplies water and has failed to pay on demand an instalment of a water rate or charge payable by, and due from him in respect of water supplied to those premises and intends to evade payment thereof by departing from the premises, the magistrate may, in addition to issuing a summons for non-payment of the sum due, issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim of the Authority and to detain them until the cause is determined upon the return of the summons.

Recovery of rates and charges from persons leaving premises.

59.-(1) Where the Authority supplies water by meter, the register of the meter shall be sufficient evidence of the quantity of water consumed unless the contrary is shown.

Register of meter to be evidence.

(2) Any question arising between the Authority and a consumer with respect to the quantity of water consumed may, on the application of either party, be determined by a court of summary jurisdiction.

(3) If the meter on being tested is proved to register incorrectly to any degree exceeding five per cent-

- (a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the Authority, unless it is proved to have begun to register incorrectly on some later date; and
- (b) the amount of any refund to be made to, or of an extra payment to be made by, the consumer, shall be paid or allowed by the Authority or paid by the consumer, as the case may be, and in the case of an extra payment, shall be recoverable in the manner in which water rates are recoverable.

Charge *in lieu* of water rate.

60.-(1) The Authority may, *in lieu* of charging a water rate under section 55, require any person receiving a supply of water from the Authority to pay for the amount of water supplied to such person at such rate and on such terms and conditions as may be prescribed by the Minister.

(2) Any charges incurred under this section, including any charge for the supply of a meter, may be recovered in the same manner as water rates.

(3) Where this section applies, the amount of water supplied shall be measured by a meter supplied by the Authority.

Power to test water fittings.

61. The Authority may test water fittings used in connection with water supplied by it.

62. An authorised Officer of the Authority may, between the hours of seven in the forenoon and seven in the afternoon, on producing, if required, evidence of his authority, enter any premises supplied with water by the Authority in order to examine if there be any waste or misuse of such water and if, after production of his authority, he is refused admittance to the premises or is obstructed in making his examination, the person refusing him admittance or so obstructing him commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

Power to enter premises to detect waste or misuse of water.

63.- (1) If the Authority has reason to think that some injury to or defect in a supply pipe which it is not under obligation to maintain is causing or is likely to cause waste of water or injury to person or property, it may execute such work as it thinks necessary or expedient in the circumstances of the case without being requested to do so, and if any injury to or defect in the pipe is discovered, the expenses reasonably incurred by the Authority in discovering it and in executing repairs shall be recoverable by it summarily as a civil debt from the owner of the premises supplied, but without prejudice to the rights and obligations, as between themselves, of the owner and occupier of the premises.

Power to repair supply pipes.

(2) Where several houses or other buildings in the occupation of different persons are supplied with water by one common supply pipe belonging to the owners or occupiers of the houses or buildings, the amount of any such expenses as mentioned in subsection (1) and any expenses reasonably incurred by the Authority in the maintenance of that pipe may be recovered in the manner provided in subsection (1) from the owners of those premises in such proportions as, in case of dispute, may be settled by the court, but without prejudice to the rights and obligations, as between themselves, of the owners and occupiers of those premises respectively.

64.-(1) If the owner or occupier of any premises wilfully or negligently causes or suffers any water fitting which he is liable to maintain to be or remain so out of order, or so in need of repair, or so constructed or adapted, or be so used, that the water supplied to those premises by the Authority is or is likely to be wasted, misused or unduly consumed, or contaminated before use, or that foul

Penalty for waste, etc., of water by non-repair of water fittings.

air or any impure matter is likely to return into any pipe belonging to or connected with a pipe belonging to the Authority, he commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

(2) If any water fitting which any person is liable to maintain is in such a condition or so constructed or adapted as aforesaid, the Authority, without prejudice to its right to institute proceedings under subsection (1), may require that person to carry out any necessary repairs or alterations and, if he fails to do so within forty-eight hours, may itself carry out the work and recover from him summarily as a civil debt the expenses reasonably incurred by it in so doing.

Penalties for misuse of water.

65.-(1) An owner or occupier of premises supplied with water by the Authority who without its consent supplies any of that water to another person for use in other premises, or wilfully permits another person to take any of that water for use in other premises shall (without prejudice to the right of the Authority to recover from such owner or occupier the value of the water so supplied or permitted to be taken) be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars, except where the water is supplied to a person for the purpose of extinguishing a fire, or where such person is a person supplied with water by the Authority but temporarily unable, through no default of his own, to obtain water.

(2) If a person wrongfully takes, uses or diverts water from a reservoir, watercourse, conduit, pipe or other apparatus belonging to the Authority or from a pipe leading to or from any such reservoir, watercourse, conduit, pipe or other apparatus or from a cistern or other receptacle containing water belonging to the Authority or supplied by it for the use of a consumer of water from it, he commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

(3) Any person who, having from the Authority a supply of water otherwise than by meter, uses any water so supplied to him for a purpose other than those for which he is entitled to use it commits an offence and is liable on

summary conviction to a fine not exceeding one hundred dollars, without prejudice to the right of the Authority to recover from him the value of the water misused.

66.-(1) If any person fraudulently alters the index of any meter used by the Authority for measuring the water supplied by it, or prevents any such meter from registering correctly the quantity of water supplied, or fraudulently abstracts or uses water of the Authority, he shall, without prejudice to any other right or remedy of the Authority, be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars and the Authority may do all such work as is necessary for securing the proper working of the meter and may recover the expenses reasonably incurred by it in so doing from the offender as a civil debt.

Penalty for fraudulent use of water.

(2) For the purpose of this section, if it is proved that a consumer has altered the index of a meter, it shall rest upon him to prove that he did not alter it fraudulently, and the existence of any artificial means under the control of a consumer for preventing a meter from registering correctly, or for enabling him fraudulently to abstract or use water, shall be evidence that he has fraudulently prevented the meter from registering correctly or, as the case may be, has fraudulently abstracted or used water.

67.-(1) If any person either-

- (a) wilfully and without the consent of the Authority; or
- (b) negligently,

Penalty for interference with valves and apparatus.

turns on, opens, shuts off or otherwise interferes with any valve, cock or other work or apparatus belonging to the Authority and thereby causes the supply of water to be interfered with, he commits an offence and shall be liable on summary conviction to a fine not exceeding fifty dollars and, whether proceedings be taken against him in respect of his offence or not, the Authority may recover from him summarily as a civil debt the amount of any damage sustained by it.

(2) This section shall not apply to a consumer closing the stopcock fixed on the service pipe supplying his premises, so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

Penalty for extension or alteration of pipes, etc.

68.-(1) Any person who, without the consent of the Authority, attaches any pipe or apparatus to a pipe belonging to the Authority, or to a supply pipe, or makes any alteration in a supply pipe or in any apparatus attached to a supply pipe commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars, and any person who uses any pipe or apparatus which has been so attached or altered shall be liable to the same penalty unless he proves that he did not know and had no ground for suspecting that it had been so attached or altered.

(2) When an offence under this section has been committed, then whether proceedings be taken against the offender in respect of his offence or not, the Authority may recover from him summarily as a civil debt the amount of any damage sustained by it and the value of any water wasted, misused or improperly consumed.

Meters to be connected or disconnected by Authority.

69.-(1) A consumer shall not connect or disconnect any meter by means of which water supplied by the Authority is intended to be or has been measured for the purpose of the payment to be made to the Authority, and if he does so commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

(2) If a consumer requires such a meter to be connected or disconnected, he shall give to the Authority not less than twenty-four hours' notice of his requirements and of the time when the work can be commenced and thereupon the Authority shall carry out the necessary work and may recover from him as a civil debt the expenses reasonably incurred by the Authority in so doing.

Meters, etc., to measure water or detect waste.

70. Subject to this Act, with respect to the breaking open of streets, the Authority may for the purpose of measuring the quantity of water supplied or

preventing or detecting waste, affix and maintain meters and other apparatus on its mains and service pipes and may insert in any street, but as near as is reasonably practicable to the boundary thereof, the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily obstruct, break open and interfere with streets, sewers, pipes, wires and apparatus.

71. A consumer who wishes the supply of water to his premises to be discontinued shall give not less than twenty-four hours' notice in writing to the Authority. Notice of discontinuance.
72. The Authority shall be responsible in any sewerage disposal area for-
- (a) maintaining and developing the existing sewerage system and other property relating thereto transferred to it by virtue of section 11;
 - (b) constructing and developing such other sewerage works as it considers necessary or expedient; and
 - (c) administering the sewerage services thereby established and providing sewerage services.
73. Without prejudice to the generality of section 72, the Authority may in any sewerage disposal area-
- (a) cause to be constructed such underground main drainage sewers in any street, street sewers, collecting sewers and house sewers as are necessary to complete the construction of the sewerage works and for the conveyance and disposal of the sewage thereof;
 - (b) cause to be laid down, installed, erected and constructed all such works, pumps, machinery, appliances and accessories
- Authority may cause sewerage works to be constructed.

as may be requisite for the effective operation and working of the sewer system and for the proper conveyance and disposal of sewage;

- (c) employ sewerage contractors, who shall be in charge of and responsible for the construction of the works mentioned in paragraphs (a) and (b).

Authority to enforce construction of water closets and house sewers in each area.

74.-(1) On or after the commencement by the Authority or sewerage contractors on its behalf of the construction or development of sewerage works in a sewerage disposal area, the Authority shall give notice by advertisement or otherwise to the owner of every premises requiring him, within such time as may be limited by such notice-

- (a) in respect of every premises within the sewerage disposal area not having a watercloset, to construct and install a watercloset on the premises; and
- (b) to connect every watercloset, sink, basin, bath or other receptacle which discharges sewage, that is situated in or on any premises within the sewerage disposal area, by means of soil pipes and a house sewer or such portion thereof as may be necessary-
- (i) to the collecting sewer, if any; or
- (ii) to the house connection, if any; or
- (iii) to the street sewer;

in accordance with by-laws made by the Authority.

(2) By-laws may be made by the Authority regulating the matters set out in subsection (1), and such by-laws may contain provision for-

- (a) excepting from subsection (5), the owner of any premises which do not exceed such annual value as may be prescribed by the by-laws upon such conditions as the Authority may determine; and
- (b) prescribing the nature and quantity of any industrial waste as respects which an owner of any premises is not required to comply with the requirements of a notice under subsection (1).

(3) Nothing in paragraph (a) of subsection (1) shall apply to the owner of any such premises, unless a sufficient water supply is available, whether on the premises or in the street.

(4) Subsection (1) shall not apply to the owner of any premises where no part of the premises is within one hundred and fifty feet of a collecting sewer or a street sewer.

(5) If any person fails to comply with the requirements of a notice given to him under subsection (1), he commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars and to a further fine not exceeding five dollars for every day during which the offence is continued after conviction.

(6) The Authority may, without prejudice to its right to take proceedings for a fine in respect of such failure, by its officers and servants, enter the premises and construct those works and do other work in relation thereto in its opinion necessary; and the provisions of this Act relating to entry of premises shall apply to such right of entry.

(7) Subject to any by-laws made by the Authority, no person shall construct or reconstruct on any premises within a sewerage disposal area unless he first submits to the Authority for approval (in accordance with by-laws) the plan of the watercloset, house-sewer and the connection to the street sewer and any alteration or extension of a house-sewer already constructed.

(8) The Authority may make by-laws for regulating the construction of sewerage works and the materials to be used therein and such by-laws may contain provisions prescribing the size, nature, materials, strength and workmanship, and the mode of arrangement, connection, disconnection, alteration and repair of the sewerage works to be used.

(9) If a person contravenes any by-laws made under this section, the Authority may, without prejudice to its right to take proceedings for a fine in respect of such contravention, cause any sewerage works belonging to or used by that person which are not in accordance with the requirements of the by-laws to be altered, repaired or replaced, and may recover the expenses reasonably incurred by it in so doing from the person in default as a civil debt.

(10) Any such by-laws may contain provisions for imposing on any person contravening the by-laws a fine not exceeding fifty dollars recoverable on summary conviction in respect of each offence and, in the case of a continuous offence, a further fine not exceeding fifty dollars for each day during which the offence continues after conviction therefor.

(11) An officer of the Authority and authorised by it for the purpose shall, on producing if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises in the area to which the by-laws apply, for the purpose of-

- (a) ascertaining whether there is or has been any contravention of the by-laws, or
- (b) exercising any right conferred on the Authority by subsection (9),

and the provisions of this Act relating to entry of premises shall apply to any such right of entry.

75.-(1) Where a person fails to comply with the requirements of a notice given to him under section 74 (1) and the Authority executes the work under subsection (5) thereof, such percentage of the expenses as may be prescribed by the Minister as are incurred by the Authority in constructing and installing the watercloset and in the laying and constructing of any house sewer (when there is no collecting sewer system) and of the requisite appliances and accessories thereto, shall be a debt due and be paid to the Authority by the owner of the premises in respect of which the house-sewer is laid and constructed, and subject to subsection (3), in default, may be recovered as a civil debt.

Payment of cost of house sewers and collecting sewers.

(2) Such percentage of the expenses as may be prescribed, as are incurred by the Authority in the laying and constructing of any collecting sewer system shall be a debt due and be paid to the Authority by owners of those premises from which sewage is conveyed into the collecting sewer in proportion to the number of points at which sewage is taken into the sewer system from the premises of each owner, and subject to subsection (3), in default, may be recovered as a civil debt.

(3) Where a person complies with the requirements of a notice given to him under section 74 (1), the complementary proportion of the percentage of the expenses prescribed by the Minister under subsection (1), if any, that are reasonably incurred in laying the house-sewer (when there is no collecting sewer system) and of the requisite appliances and accessories, together with an additional sum, if the Authority so resolves, not exceeding five per cent, shall be paid to him by the Authority.

(4) Payment of the expenses referred to in subsections (1) and (2) shall be made within thirty days after demand in writing by the Authority, except that any owner who does not within the period of thirty days pay those expenses-

- (a) shall pay them by annual instalments of one-fifteenth part of the whole sum originally due, with interest on the principal amount from time to time remaining unpaid at the rate of not less than six *per centum* per annum; and

- (b) may, on seven days notice in writing to the Authority, pay off the balance or part thereof of the principal amount and any interest that may be then due.

Sewerage connections.
12 of 1991.

76.-(1) Notwithstanding the provisions of this Act, where the Authority provides sewerage connections to any premises or undertakes any other works as specified in section 74, it may recover the expenses incurred in such works from the occupier of the premises, and in every such case the provisions of section 107 of this Act shall *mutatis mutandis* apply to the recovery of such expenses in like manner as for the recovery of water rate and sewerage rate.

(2) Where the occupier of any premises is required or liable to pay to the Authority any expenses by virtue of subsection (1), or where the occupier himself undertakes any such works on the written direction of the Authority, and as between himself and the owner of the premises he is not liable to pay such expenses or incur any costs, he shall be entitled to deduct from the rental payable by him any sum paid by him to the Authority or any expenses incurred by him virtue of the foregoing provisions.

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(3) Notwithstanding anything contained in the Rent Restriction Act, no person shall increase the rent payable by the occupier of the premises by reason only of the fact that the premises have been connected to the sewerage works.

(4) Any person who contravenes the provisions of subsection (3) above, shall be guilty of an offence and shall be liable to summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

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(5) Without prejudice to section 10 (2) of the Rent Restriction Act, where a landlord serves a notice on the tenant to vacate the premises on either of the ground specified in paragraphs (b) and (e) of subsection (1) of section 10 of the said Act, or obtains a judgment or order for ejection on any of the said grounds, and the tenant vacates the premises on such notice or order, and it is

subsequently made to appear to the court that the notice was served, or that the judgment or order was obtained (as the case may be), by fraud, misrepresentation or concealment of material facts, the landlord commits an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment.

77.-(1) The Authority may grant licences authorising persons to construct, execute, repair or perform work required of the owner of any premises under section 74 in connection with house sewers and waterclosets as the Authority thinks fit. Such persons shall be called licensed sanitary constructors and they shall act in accordance with the provisions of this Act and any by-laws or regulations made thereunder.

Power of Authority to grant licences to sanitary constructors or suspend or cancel licences.

(2) No person other than a licensed sanitary constructor may do any work in relation to a collecting sewer, house sewer, watercloset or soil pipe; and notwithstanding any enactment to the contrary, any unlicensed person who does that work or any person who causes it to be done by such unlicensed person commits an offence and is liable on summary conviction to a fine not exceeding two hundred dollars.

(3) For the purposes of this section, a person employed by the Authority, whether as a servant or an independent contractor, shall be deemed to be a licensed sanitary constructor with regard to work done by him that is authorised by the Authority.

78.-(1) The Authority may in any sewerage disposal area lay a sewer-

Power to lay sewers.

- (a) in any street; and
- (b) with the consent of every owner and occupier of any land not forming part of a street and with the consent of the local authority of the district in which that land is situated and also of the highway authority concerned, if the sewer will be laid

within two hundred and twenty feet of any highway, in, on or over any land,

and may from time to time inspect, repair, alter or renew, or may at any time remove any sewer laid down by them whether by virtue of this section or otherwise.

(2) A consent required for the purposes of subsection (1) shall not be unreasonably withheld and any question whether such a consent is or is not unreasonably withheld shall be referred to and determined by the Minister.

(3) Where the Authority, in the exercise of its powers under this section lays a sewer in, on or over any land not forming part of a street, or inspects, repairs, alters, renews or removes a main laid in, on or over any such land, it shall from time to time pay compensation to every person interested in that land for any damage done to or injurious affection of that land by reason of the inspection, laying, repair, alteration, renewal or removal of the sewer. Any dispute as to the amount of compensation to be paid under this subsection shall be referred to arbitration.

(4) The Authority may erect and maintain in any street notices indicating the position of underground sewerage works and appliances used for controlling the flow of sewerage through its street sewer, and may affix such notices to any house or other building, wall or fence.

Power to lay
collecting sewers,
etc.

79.-(1) The Authority may in any street lay such street sewers and collecting sewers with such fittings as it thinks necessary for the drainage of sewage from any house sewer, and may from time to time inspect, repair, alter or renew and may at any time remove any collecting sewer laid in a street whether by virtue of this section or otherwise.

(2) Where a sewer or collecting sewer has been lawfully laid in, on or over any land not forming part of a street, the Authority may from time to time enter upon that land and inspect, repair, alter, renew or remove the sewer or

lay a new sewer in substitution therefor, but shall pay compensation for any damage done by it. Any dispute as to the amount of compensation to be paid under this subsection shall be determined by arbitration.

80.-(1) Subject to this section, the Authority may require the provision of a separate house sewer for each house or other building connected with or to be connected with the collecting sewers.

Power of Authority to require separate house sewers.

(2) If, in the case of a house or other building already connected with a collecting sewer, and not having a separate house sewer connected to a street sewer, the Authority gives notice to the owner of the house or building requiring the provision of such a house sewer, the owner shall within three months lay so much of the required sewer and other works as will constitute a house sewer and is not required to be laid in a highway, and the Authority shall, with all reasonable despatch after he has done so, make all necessary connections.

(3) If an owner upon whom a notice has been served under subsection (2) fails to comply therewith, the Authority may itself execute the work which he was required to execute.

(4) The expenses reasonably incurred by the Authority in executing the work which it is required by subsection (2) to execute, or which it is empowered by subsection (3) to execute, shall be repaid to it by the owner of the house or building and may be recovered by it from him summarily as a civil debt, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the house or building.

(5) For the purposes of subsections (1) to (4), two or more buildings in the same occupation and forming part of the same hereditament for rating purposes shall be treated as a single building.

(6) Where the owner of a group or block of houses is liable by law or undertakes in writing to pay the sewerage rates in respect of all those houses, then, so long as he punctually pays those rates and the house sewer of those

houses is sufficient to meet the requirements thereof, the Authority shall not require the provision of separate house sewers for those houses.

(7) Without prejudice to subsection (6) where, on the coming into force of this Act, two or more houses were served by a single house sewer, the Authority shall not require the provision of separate house sewers for those houses until either-

- (a) the existing house sewer becomes so defective as to require renewal, or is no longer sufficient to meet the requirements of the houses; or
- (b) an instalment of the sewerage rate in respect of any of the houses remains unpaid after the end of the period for which it is due; or
- (c) the houses are, by structural alterations to one or more of them converted into a larger number of houses.

Vesting of collecting sewers and repair of such sewers and of house sewers in highways.

81.-(1) All collecting sewers, whether laid before or after the coming into force of this section, shall vest in the Authority and the Authority shall at its own expense carry out any necessary works of maintenance, repair or renewal of such sewers and any work on its street sewers incidental thereto.

(2) The Authority shall also carry out any such necessary works as aforesaid in the case of so much of any house sewer as is laid in a highway, and may recover the expenses reasonably incurred by it in so doing as a civil debt from the owner of the premises served by the house sewer, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the premises.

Sewerage rate.

82.-(1) Where the Authority provides any sewerage facilities it may charge in respect thereof a sewerage rate which shall be such proportion of the annual value of the premises as may be prescribed by the Minister.

(2) For the purposes of this section, the annual value of any premises shall be taken to be the value as appearing in the valuation roll in force on the first day of the period covered by the water rate.

(3) If the premises do not appear in any valuation roll or if the rate is chargeable on only a proportion of the hereditament entered therein the annual value shall be taken to be such sum or such apportioned part of the annual value, as the case may be, as may be agreed between the Authority and the owner or occupier of the premises serviced or, in the absence of such an agreement, as may be determined by a court of summary jurisdiction.

83.-(1) The Minister shall prescribe by Order the proportion of the annual value of any premises which is to be the sewerage rate in respect of a period of twelve months commencing on 1st January, and such rate shall be payable by equal quarterly instalments payable in advance.

Prescription of sewerage rate.

(2) A sewerage rate shall, unless and until a new rate is made, continue to operate in respect of each successive period of twelve months.

84.-(1) Where under any Act relating to the assessment of the value of any premises an amendment is made to the assessment roll for the time being in force, the amendment shall for the purpose of calculating the amount due in respect of any sewerage rate payable, have effect retrospectively as from the date when the amendment came into operation and, notwithstanding anything in section 83 with respect to the equality of instalments of a sewerage rate, any necessary adjustments shall be made in the then current instalments of the rates and any subsequent instalments thereof.

Alteration of assessment roll.

(2) If it is found that by reason of the foregoing provisions, too much or too little has been paid in respect of any sewerage rate, the difference shall be repaid or allowed or, as the case may be, shall be paid and may be recovered in the manner in which sewerage rates are recoverable.

Discount for prompt payment of sewerage rates.

85.-(1) The Authority may allow discounts or rebates in consideration of prompt payment of sewerage rates, so however, that such discounts or rebates shall be at the same rate under like circumstances to all persons and shall not in any case exceed five per cent.

(2) If, and so long as the Authority allows such discounts or rebates, notice of the effect of this section shall be endorsed on every demand note for sewerage rates.

Recovery of rates from persons leaving premises.

86. If it is shown to the satisfaction of a magistrate on sworn information in writing that a person is quitting or is about to quit premises in respect of which the Authority provides sewerage facilities and has failed to pay on demand an instalment of a sewerage rate payable by, and due from, him in respect of sewerage facilities provided for those premises, and intends to evade payment thereof by departing from the premises, the magistrate may, in addition to issuing a summons for non-payment of the sum due, issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim of the Authority and to detain them until the cause is determined upon the return of the summons.

Penalty for misuse, etc., of sewerage facilities by non-repair of water closets, etc.

87.-(1) If the owner or occupier of any premises wilfully or negligently causes or suffers any watercloset, soilpipe or house sewer which he is liable to maintain to be or remain so out of order or so in need of repair, or so constructed or adapted, or to be so used that the sewerage facilities provided by the Authority are, or are likely to be, misused or to pollute or injure any premises or property, or that foul air or any impure matter is likely to enter into any pipe belonging to, or connected with, a pipe belonging to the Authority, he commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

(2) If any watercloset, soilpipe or house sewer which any person is liable to maintain is in such a condition, or so constructed or adapted as described in subsection (1), the Authority, without prejudice to its right to insti-

tute proceedings under that subsection, may require that person to carry out any necessary repairs or alterations and, if he fails to do so within forty-eight hours, may itself carry out the work and recover from him as a civil debt the expenses reasonably incurred by it in so doing.

88. Whenever any premises have been provided with a house sewer and watercloset, if any sewage flows or is deposited or thrown from the premises, either within the premises or elsewhere than by the house sewer from the premises, the occupier of the premises and anyone who deposits or throws any sewage as aforesaid commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Disposal of sewage other than by sewer.

89. If any garbage, hair, ashes, fruit, vegetables, rags, bottles, tins, refuse, or any other matter or thing whatever, except sewage and the necessary paper, is thrown into or deposited in any receptacle connected with a house sewer, either by the occupier of the premises or by anyone else, the occupier and also that person shall be liable for all damage occasioned thereby and for all expenses incurred in repairing and rectifying the damage and in addition the person throwing or depositing such matter commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Allowing anything but sewage and paper to be in sewers.

90. If in the opinion of the Authority sewage of any particular kind would be injurious to the sewer system the Authority may, by notice published in the *Gazette* and a daily newspaper circulating in the country, prohibit as from the time stated in the notice, the introduction of that sewage into any sewer and if after the date prescribed by the notice, any sewage is introduced or enters or flows into any sewer, the occupier of any such premises or place and also anyone introducing any of that sewage or causing it to flow or enter into a sewer commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars.

Permitting prohibited sewage to flow into sewers.

91.-(1) Subject to this Act, the Authority may:-

Power to break open streets.

(a) within the area of water supply for the purpose of laying,

constructing, inspecting, repairing, renewing or removing mains, service pipes, plant or other works; and

- (b) outside such area for the purpose -
 - (i) of laying any mains as aforesaid which it is authorised to lay; and
 - (ii) of inspecting, repairing, renewing or removing the said mains, and
- (c) within any sewerage disposal area, for the purpose of laying, constructing, inspecting, repairing, renewing or removing any sewerage works,

break open any street and any bridge carrying a street, and any sewer, drain or tunnel in or under any such street and may remove and use the soil or other materials in or under any such street.

(2) The Authority shall, in the exercise of the powers conferred by this section cause as little inconvenience and do as little damage as may be and for any damage done shall pay compensation to be determined in case of dispute by arbitration.

Notice to be given before breaking open streets, etc.

92.-(1) Not less than fourteen clear days before it commences to break open any street or bridge or any sewer, drain or tunnel, the Authority shall give notice of its intention and of the time when it proposes to commence the work, to the persons having the control or management of the street, bridge, sewer, drain or tunnel in question, or to some officer of those persons authorised by them to receive such notices.

(2) Notwithstanding subsection (1), in cases of emergency arising from defects in any pipes, plant or works, it shall be sufficient if the notice required

by subsection (1) is given as soon as possible after the necessity for the work becomes known to the Authority.

93.-(1) Subject to this section, the Authority shall not, except in such cases of emergency as mentioned in section 92 (2), break open any street or bridge, or any sewer, drain or tunnel, except under the supervision of and in accordance with plans approved by the persons having the control or management thereof.

Streets, etc., not to be broken open except under supervision of persons responsible therefor.

(2) If any disagreement arises in connection with the plans submitted for approval, that disagreement shall be referred to the Minister whose decision thereon shall be final.

(3) Notwithstanding subsections (1) and (2), if the persons having the control or management of a street, bridge, sewer, drain or tunnel, after having received such notice of the Authority’s intention as is mentioned in subsections (1) and (2), fail to question the sufficiency or propriety of any plans submitted to them or fail to submit any alternative plans to the Authority or fail to amend and exercise supervision over the work, the Authority may proceed to carry out the work.

94.-(1) When, for the purpose of executing any work, the Authority breaks open any street or bridge, or any drain or tunnel, it shall with all convenient speed and to the reasonable satisfaction of the persons having the control or management thereof complete the work and fill in and consolidate the ground and reinstate and make good the street or the sewer, drain or tunnel, as the case may be, and remove all rubbish resulting from its operations and shall, after replacing and making good the street, keep it in good repair for three months and for such further time, if any, not being more than twelve months in the whole, as the soil may continue to subside.

Streets, etc., broken open to be reinstated without delay.

(2) So long as any such street remains broken open or obstructed, the Authority shall make adequate arrangements for the control of traffic and shall cause the street or such part thereof as is reasonably necessary to be properly fenced and guarded at all times and to be efficiently lighted between the hours

of sunset and of sunrise.

Remedies where Authority fails to comply with requirements of section 94.

95. If the Authority fails to comply with any of the requirements of section 93, the persons having the control or management of the street, bridge, sewer, drain or tunnel in question may themselves execute any work necessary to remedy the default and may recover the expenses reasonably incurred by them in so doing from the Authority as a civil debt.

Duty to give notice of certain works.

96. The Authority, before commencing to execute repairs or other work which will cause any material interference with the supply of water or with the sewerage facilities shall, except in a case of emergency, give to all consumers and to all persons served with sewerage facilities likely to be affected, such notice as is reasonably practicable and shall complete the work with all reasonable despatch.

Authority may obtain copies of assessment roll on payment.

97.-(1) The local authority of any area within which the Authority supplies water shall on application furnish to the Authority a copy of their current assessment roll or of such part thereof or such entries therein as may be specified in the application and their clerk shall, upon request, certify any such copy.

(2) In respect of every such copy, the local authority may demand a sum not exceeding two dollars and fifty cents for every hundred entries numbered separately, and for the purposes of this subsection, any number of entries less than a complete hundred shall be treated as a complete hundred.

Power to enter premises.

98.-(1) Subject to this section, any authorised Officer of the Authority shall on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours-

- (a) for the purpose of inspecting and examining meters used by the Authority for measuring the water supplied by it, and of ascertaining therefrom the quantity of water consumed;

- (b) for the purpose of ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Act or any regulations made thereunder;
- (c) for the purpose of ascertaining whether or not circumstances exist which would allow the Authority to take any action or execute any work under this Act or any regulations made thereunder;
- (d) for the purpose of taking any action or executing any work authorised or required by this Act or any regulations made thereunder to be taken or executed by the Authority,

except that admission to any premises shall not be demanded as of right unless twenty-four hours notice of the intended entry has been given to the occupier.

(2) An authorised officer of the Authority may between the hours of seven in the forenoon and six in the afternoon on producing, if required, evidence of his authority, enter any premises supplied with water by the Authority in order to examine if there be any waste or misuse of such water and, if after production of his authority, he is refused admittance to the premises or is obstructed in making his examination, the person refusing him admittance or so obstructing him commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

(3) If it is shown to the satisfaction of a magistrate on sworn information in writing-

- (a) that admission to any premises has been refused or that refusal is reasonably apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and

- (b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the magistrate may by warrant under his hand authorise the Authority by any authorised Officer to enter the premises, if need be by force.

(4) An authorised Officer entering any premises under the powers conferred by this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(5) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

Power to require occupier to permit works to be executed by owner.

99. If, on a complaint made by the owner of any premises, it appears to a court of summary jurisdiction that the occupier of those premises prevents the owner from executing any work which he is by or under this Act or any by-laws made thereunder required to execute, the court may order the occupier to permit the execution of the work.

Appeals and applications to inferior courts.

100.-(1) Where any provision in this Act or in any by-laws made thereunder provides-

- (a) for an appeal to an inferior court against a requirement, refusal or other decision of the Authority; or
- (b) for any matter to be determined by, or an application in respect of any matter to be made to, an inferior court, the procedure shall be by way of summons and the District Courts (Procedure) Act shall apply to such proceedings.

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(2) The time within which any such appeal may be brought shall be

twenty-two days from the date on which notice of the requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this section, the lodging of the statement of claim shall be deemed to be the bringing of the appeal.

(3) In any case where such an appeal lies the document notifying to the person concerned the decision of the Authority in the matter shall state the right of appeal to an inferior court and the time within which such an appeal may be brought.

101. Legal proceedings in any inferior court may be conducted on behalf of the Authority-

Legal proceedings.

(a) by the Chief Executive Officer or the Secretary; or

(b) by any other Officer of the Authority appointed to do so by resolution of the Authority, and a copy of such resolution purporting to be certified under the hand of the Secretary shall be sufficient evidence of the contents thereof.

102.-(1) Notwithstanding any other law, the Authority shall be exempt from the payment of any tax imposed by or under any other law other than a tax imposed by a local authority.

Tax exemption.

(2) For the purposes of this section, "tax" includes any assessment, duty, fee, charge or other imposition.

103. Any purchase of equipment or materials by the Authority or the entry into any contract by the Authority shall be by tender unless the Minister authorises otherwise.

Equipment.

104. A judge or magistrate of any court or a justice of the peace shall not be disqualified from acting in cases arising under this Act by reason only of his being as one of several ratepayers or as one of any other class of persons liable

Judges and justices not to be disqualified by liability to rates.

in common with the others to contribute to or be benefited by any rate or fund out of which any expenses of the Authority are to be defrayed.

Power to supply water fittings, etc.

105.-(1) The Authority may, on the request of any person to whom it supplies or proposes to supply water or whom it has provided or whom it proposes to provide with sewerage facilities, supply to him by way either of sale or hire any such water fittings or sanitary conveniences and appliances, as the case may be, as are required or allowed by this Act or any by-laws made thereunder, and may on such request, install, repair or alter any such water fittings or such sanitary convenience or appliance whether supplied by it or not, as the case may be, and may provide any materials and do any work required in connection with such installation, repair or alteration of water fittings or sanitary conveniences or appliances, as the case may be.

(2) The Authority may make such charges as may be agreed or, in default of agreement, as may be reasonable for any fittings or sanitary convenience or appliance supplied, or any materials provided or work done, under this subsection and may recover such charges as civil debts.

(3) Any fittings or sanitary conveniences or appliances let for hire by the Authority or a water purveyor, as the case may be-

- (a) shall, notwithstanding that they be fixed to some part of the premises in which they are situated or be laid in the soil there under, continue to be the property of and be removable by the Authority or the water purveyor, as the case may be; and
- (b) shall not be subject to distress or to a landlord's remedy for rent, or be liable to be taken in execution under any process of any court or in any proceedings in bankruptcy against the persons in whose possession they may be,

so however, that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) If any person wilfully or negligently injures or suffers to be injured any water fitting or sanitary convenience or appliance belonging to the Authority or a water purveyor, he commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars, and the Authority or a water purveyor may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender as a civil debt.

106.-(1) Where an owner of land in any area of water supply or sewerage disposal area proposes to erect thereon buildings for which a supply of water for domestic purposes will be needed, he may make application requesting the Authority-

Authority to provide domestic supply and sewerage facilities for new buildings.

- (a) to lay the necessary mains to such point or points as will enable such buildings to be connected thereto at a reasonable cost and to bring water to that point or those points;
- (b) to construct the necessary sewerage facilities,

and the Authority may, if it thinks fit, subject as hereinafter provided, accede to that request.

(2) The Authority, before entertaining such application-

- (a) in the case of the provision and the laying of the necessary mains-
 - (i) may require the owner to undertake to pay in respect of each year a sum amounting to one-eighth of the expense of providing and laying the necessary mains as well as installing any necessary pumping equipment and appliances (less any amounts received by the Authority in respect of water supplied, whether for domestic or non-domestic purposes, in that year

from those mains) until the aggregate amount of water rates payable annually in respect of the buildings when erected and in respect of any other premises connected with the said mains at the rates for the time being charged by the Authority equals or exceeds such sum as aforesaid, or until the expiration of a period of twelve years, whichever first occurs; and

- (ii) except where the owner is a local or public authority, may also require him to deposit with the Authority as security for payment of the said annual sum, such sum, not exceeding the total expense of providing and laying the mains, as the Authority may require;

- (b) in the case of the construction of the necessary sewerage facilities, may require the owner to enter into such arrangements for meeting the expenses involved as may be provided by by-laws.

(3) Any question arising under subsection (1) (a) as to the points to which mains must be taken in order to enable buildings to be connected thereto at a reasonable cost shall, in default of agreement, be determined by the Minister.

Liability for and recovery of water rates and sewerage rates.

107.-(1) Subject to section 108, water rates and sewerage rates payable to the Authority, shall be payable and recoverable in accordance with this section and not otherwise.

(2) Except where an owner of premises who is not himself the occupier thereof is liable by or under any enactment, or by agreement with the Authority, to pay the water rate or sewerage rate for a supply of water or for sewerage facilities to those premises, the water rate and sewerage rate respectively shall be payable by the occupier of the premises.

(3) The water rate and sewerage rate payable by any person may, after a demand therefor, be recovered from the person liable therefor by the Authority in any court of competent jurisdiction.

(4) Subject as hereinafter provided and to subsection (5), where a person fails to pay within seven days after a demand therefor any instalment of a water rate or charge *in lieu* of a water rate or sewerage rate payable by him in respect of any premises, the Authority may cut off the supply of water to the premises (and may, if necessary, enter such premises for such purpose) and recover the expenses reasonably incurred by it in so doing in the same manner as the instalment due, except that if, before the expiration of the said seven days, notice in writing is given to it that there is a dispute as to the amount due in respect of the water rate or sewerage rate, or as to the liability to pay the rate, the Authority shall not cut off the supply of water until the dispute has, on the application of either party, been settled by an inferior court, provided that the occupier lodges the amount due in respect of the water rate or sewerage rate, as the case may be, in such court without prejudice to the dispute.

(5) Where, at the date when an instalment of a water rate, or charge *in lieu* of a water rate or sewerage rate in respect of any premises becomes due, the owner of the premises is liable by or under any enactment, or by agreement with the Authority, to pay the water rates for the supply of water to those premises or to pay the sewerage rates and is not himself the occupier thereof, the Authority shall not cut off the supply of water to the premises for a failure by him to pay any such instalment, but the instalment, without prejudice to the right of the Authority to enforce payment thereof by him, may be recovered by it either from the owner for the time being, or, subject as hereinafter provided, from the occupier for the time being, of the premises, in the manner in which water rates and sewerage rates are recoverable.

(6) Where the occupier of such premises is not the owner thereof-

(a) proceedings shall not be commenced under subsection (5) against the occupier until notice has been given to him requir-

ing him to pay the amount due out of any rent which is then due, or which may thereafter become due from him, and he has failed to comply with the notice; and

- (b) no greater sum shall be recoverable at any one time from the occupier than the amount of rent which is owing by him, or which has accrued since such notice as aforesaid was given to him; and
- (c) if the occupier, as between himself and the owner of the premises, is not liable to pay the water rate or sewerage rate, he shall be entitled to deduct from the rent payable by him any sum paid by him in compliance with the notice or so recovered from him.

(7) In this section, the expression “water rate” includes any additional charge payable to the Authority in respect of a supply of water for domestic purposes.

(8) Notwithstanding anything in this Act to the contrary, but subject to section 108, sewerage rates shall be payable by the person liable therefor from the expiration of the notice given under section 74 (1) or from the date when the premises are first served with sewerage facilities, whichever is the earlier.

Transitional provision concerning water and sewerage rates.

108.-(1) Notwithstanding any agreement or rule of law to the contrary, where any premises are at the commencement of this Act supplied with water by the Authority or is served with sewerage facilities, until the owner thereof gives notice in writing to the Authority of the name of the occupier and the Authority makes demand on such occupier therefor, the water rates and sewerage rates in respect of such premises shall be payable by the owner thereof.

(2) In this section, a reference to premises served with sewerage facilities shall be construed so as to include a reference to premises in respect of

which a notice given under section 74 (1) has expired.

109. The Minister may by Order published in the *Gazette*, declare any area of the country other than an area falling within the limits of any town, to be a rural water supply area with effect from the date specified in such order and the following provisions shall apply to such areas.

Declaration of rural water supply areas. 26 of 1994.

110.-(1) For every rural water supply area declared under section 109 of this Act, there shall be established a Board of Management (hereinafter referred to as “the Board”) consisting of seven members who shall be appointed by the Minister in accordance with the provisions of this section. Every such Board shall be a body corporate with perpetual succession and a common seal and with all the attributes of a body corporate.

Establishment of Boards of Management. 26 of 1994.

(2) The Minister shall, after consultation with the Water Commissioners, appoint suitable persons one of whom shall be the Chairman of the village council from the rural area concerned to be members of the Board of Management for that area.

(3) The Authority shall be responsible for imparting the necessary training to members of the Boards established under this section to enable them to more efficiently perform their functions.

(4) The Minister shall appoint a Chairman, Vice-Chairman, Secretary, and Treasurer of the Board from among the members of the Board.

(5) Members of a Board shall hold office for a period of two years and may be eligible for reappointment provided that such members have satisfactorily performed their functions as such members.

(6) A member may at any time resign his appointment by giving notice in writing to the Minister through the Chairman of the Board, and such notice shall take effect thirty days after receipt by the Minister of such notice of resignation.

(7) The Minister may for any fit and proper cause remove any member from the Board and appoint another suitable person to replace such member for the unexpired term of office of such member.

(8) Subject to the provisions of this Act, the Board may regulate its own procedure.

(9) The Minister may, after consultation with the Authority, approve such honorarium to be paid to members of the Board out of the funds of the Board as he may deem fit.

Functions and powers of the Board.
26 of 1994.

111.-(1) The functions of the Board shall be as follows:

- (a) to be responsible for all operations and maintenance activities in order to ensure uninterrupted service to the respective communities;
- (b) to regulate pumping hours to ensure constant water supply;
- (c) to ensure that proper records and accounts are maintained;
- (d) to undertake expansion of the rural water supply system as required;
- (e) to carry out disconnection procedures;
- (f) to collect user-fees; and
- (g) to effectively and efficiently undertake any other function related to the rural water supply system.

(2) Subject to the provisions of this Act, the Board shall have power to lay pipes for supply of water in any rural water supply area declared under section 109 of this Act.

(3) The powers given to the Authority by sections 33, 50 and 68 of this Act shall apply *mutatis mutandis* to the Boards.

112. A Board shall be deemed to be a public authority within the meaning of the Public Authorities Protection Act and shall be entitled to the protection afforded a public authority given by that Act.

Board protected by Public Authorities Protection Act. CAP. 24. 26 of 1994

113. No member, Officer or servant of the Board shall be personally liable for any act done in the execution of his functions under this Act, provided that such act was done in good faith.

Members of the Board not liable personally. 26 of 1994.

114.-(1) The Board shall have power to appoint staff to assist it in carrying out any of its functions under this Act, and such staff shall be appointed upon terms and conditions to be approved by the Minister, after consultation with the Authority.

Power of Board to appoint staff. 26 of 1994.

115.-(1) Of the gross revenues collected by a Board during a financial year, it shall pay into and credit the account of the Authority with fifteen *per centum* of such gross revenues and the balance of eighty-five per centum shall be kept by the Board for its own use.

Financial provisions. 26 of 1994.

(2) The Authority shall utilise the revenue credited by the Board under subsection (1) above for the maintenance of the necessary infrastructure in the respective rural area.

(3) The rates and charges to be levied by a Board for the supply of water and other services and facilities shall in accordance with such scales as may from time to time be approved by the Minister.

116.-(1) The Board shall keep proper accounts in respect of its water operations and shall prepare a statement of account for each financial year.

Accounts and audits. 26 of 1994.

(2) The authority or the Minister of Natural Resources shall appoint auditors to audit the accounts of the Board at the end of every fiscal year or at any other time deemed desirable by the Authority or said Minister.

(3) As soon as possible after the end of each financial quarter, every Board shall transmit to the Authority a copy of the income and expenditure accounts of the Board for that period together with a statement of the assets and liabilities of the Board at the end of the relevant financial quarter.

Submission of
budget estimates.
26 of 1994.

117. A Board shall at such time and in such form as may be approved by the Minister responsible for Finance, prepare and submit to that Minister through the Minister, estimates of income receivable and the expenditure to be incurred during the next financial year.

Account to be
opened by the
Board.
26 of 1994.

118. The Board shall open an account with any appropriate bank or financial institution approved by the Minister of Finance and the Board shall deposit into such account:

- (a) moneys collected from user-fees;
- (b) extension fees and charges; and
- (c) any other moneys lawfully appropriated by the Board.

Applications of
revenues.
26 of 1994.

119. The revenues of a Board for any financial year shall be applied in defraying the following charges:

- (a) the remuneration and allowances of the members of the Board;
- (b) the salaries and fees of any officers or servants of the Board;
- (c) the purchase of equipment and properties, the working operations and establishment expenses and expenditure on or provisions for the maintenance of any of the work or

- installations of the Board and the discharge of its functions;
- (d) the expansion of the water supply system or any other projects to be approved by the Minister or the Authority.
 - (e) any other expenditure authorised by the Board and properly chargeable to revenue account.

120. Any funds of a Board not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Board may be invested from time to time in securities approved by the Minister responsible for Finance for investment by the Board. Authorised investment. 26 of 1994.

121. The Minister may, after consultation with the Board and the Authority, make regulations for the better carrying out of the foregoing provisions relating to the establishment of rural water supply systems. Regulations. 26 of 1994.

122. The provisions of sections 109 to 121 shall have effect notwithstanding anything to the contrary contained in this Act or any other law. Sections 109 to 121 to prevail over existing law. 26 of 1994.
