
CHAPTER 196**WATER AND SEWERAGE CORPORATION****ARRANGEMENT OF SECTIONS****PART I
PRELIMINARY**

SECTION

- 1 Short title
- 2 Interpretation
- 3 Statement as to water-rights and administration of water

**PART II
ESTABLISHMENT OF WATER AND SEWERAGE
CORPORATION**

- 4 Establishment of Corporation
- 5 Functions of Corporation
- 6 Powers of Corporation
- 7 Power of Minister

**PART III
FINANCIAL PROVISIONS**

- 8 Funds and resources of the Corporation
- 9 Borrowing power
- 10 Advances and guarantee of borrowings, by the Government
- 11 Payment of and interest on, advances and sums issued to meet guarantees
- 12 Surplus funds
- 13 Reserve Fund
- 14 Balancing of revenue account, and surplus revenue
- 15 Accounts audit

**PART IV
TRANSFER TO CORPORATION OF GOVERNMENT
INSTALLATIONS**

- 16 Transfer to Corporation of Government installations
- 17 Existing contracts
- 18 Existing liabilities

**PART V
WATER-SUPPLY**

- 19 Maintenance of water-supply
- 20 Corporation's discretion to supply
- 21 Connection of new premises
- 22 Connection of existing premises
- 23 Power to cut off water-supply
- 24 Damages to meter and fraudulent connection

**PART VI
SEWERAGE**

- 25 Power of Minister of Health
- 26 Application and interpretation
- 27 Discharge of insanitary fluids
- 28 Notice to construct house-sewers
- 29 New premises to be connected to sewerage system
- 30 No connections without consent
- 31 Trade waste
- 32 Misuse of system
- 33 Design of house-sewers
- 34 Installation of fixtures
- 35 Connections

**PART VII
MISCELLANEOUS**

- 36 Exemption from payment of duties
- 37 Wilful damage
- 38 Prosecutions
- 39 Regulations
- 40 Penalties

FIRST SCHEDULE

SECOND SCHEDULE — Provisions relating to the Incorporation, etc , of the Water and Sewerage Corporation

THIRD SCHEDULE

CHAPTER 196

WATER AND SEWERAGE CORPORATION

An Act to establish a Water and Sewerage Corporation for the grant and control of water rights, the protection of water resources, regulating the extraction, use and supply of water, the disposal of sewage and for connected purposes.

6 cf 1976
11 cf 1976
23 cf 1989
SI 46/1989
29 cf 1992
40 cf 1992
36 cf 1993

[Assent 6th July, 1976]

[Commencement 14th July, 1976]

**PART I
 PRELIMINARY**

1. This Act may be cited as the Water and Sewerage Corporation Act. Short title
2. In this Act, unless the context otherwise requires — Interpretation
- “this Act” includes the regulations made under this Act;
- “area of supply” means the area to which the water supply of the Corporation extends;
- “the Board” means the Board of the Corporation;
- “Corporation” means the Water and Sewerage Corporation established under section 4;
- “Government” means the Government of The Bahamas;
- “Minister” means the Minister responsible for Water and Sewerage;
- “sewerage system” includes any street-sewer, pumping station, pumping machinery, deposit tank, outfall pipe and any appliance for the conveyance or disposal of sewage;
- “water-supply system” includes any reservoir, dam, tank, well, tunnel, conduit pipe, fountain, sluice, valve, pump or engine and any building, structure or appliance used or constructed for the supply, storage, conveyance or regulation of water.

Statement as to water-rights and administration of water.

3. (1) Water is a national resource of the Commonwealth of the Bahamas.

(2) All private rights in water shall be subject to the superior right of the Government to control and administer the marketing, production and extraction and use of water in the public interest.

(3) The control and administration of water shall, in the islands or parts thereof specified in the First Schedule, be exercised by the Corporation on behalf of the Government, and in the islands not so specified by the Minister.

First Schedule.

(4) The Minister may, by order, amend the First Schedule.

PART II ESTABLISHMENT OF WATER AND SEWERAGE CORPORATION

Establishment of Corporation.

4. (1) There is established a Corporation to be known as the Water and Sewerage Corporation.

Second Schedule.

(2) The Second Schedule shall have effect with respect to the incorporation, constitution, proceedings and staff of the Corporation and otherwise in relation thereto.

Functions of Corporation.

5. The functions of the Corporation shall be —

- (a) to control and ensure the optimum development and use of the water resources of the Commonwealth of The Bahamas;
- (b) to ensure the co-ordination of all activities which may influence the quality, quantity, distribution or use of water;
- (c) to ensure the application of appropriate standards and techniques for the investigation, use, control, protection, management and administration of water;
- (d) to provide adequate supplies of suitable water for domestic use, for livestock, for irrigation and agricultural purposes, for urban and industrial use;
- (e) to provide adequate facilities for drainage the safe disposal of sewage and industrial effluents.

6. (1) The Corporation shall have all the powers necessary for the carrying out of its functions and, in particular, without limiting the generality of the foregoing, may —

Powers of
Corporation

- (a) direct or empower, subject to such qualifications or restriction as it may determine, any person or any public authority to undertake any action which it deems necessary to the satisfactory execution of its functions;
- (b) determine the allocation of available water between different users or types of use in any area within its jurisdiction;
- (c) enter any land for any of the following purposes —
 - (i) carrying out water and sewerage surveys and investigations;
 - (ii) carrying out trial drilling and inspection for ground water and sewerage;
 - (iii) executing any works, laying and connecting pipes for water and sewers;
 - (iv) inspecting existing water uses and structure and monitoring waste discharge;
 - (v) demolishing any unauthorised water or sewerage works;
 - (vi) effecting repairs to the water-supply and sewerage systems,

and for these purposes close up roads and divert traffic;

- (d) design, construct, operate and maintain water works, and authorize and control the construction, operation and maintenance by any person of water works;
- (e) acquire any property which it deems necessary or expedient for the purpose of constructing, extending or maintaining any water works or otherwise carrying out its functions under this Act;
- (f) require the installation of meters or gauges for measuring water used or waste discharged and levy charges for the provision, installation, maintenance and operation of the same;

- (g) extract water from any part of The Bahamas for the purpose of supplying the area within its control and administration and for so extracting water enter into such agreements, and construct, maintain and operate such works, as may be necessary;
- (h) prescribe and collect rates and service fees and deposits in respect of the distribution and supply of water and the disposal of sewerage.

(2) The powers of entry given under paragraph (1)(c) shall (in relation to private land) not be exercised unless at a reasonable hour and unless the person seeking entry holds a written letter of authority issued by, or on behalf of, the Corporation.

(3) In the exercise of its powers under this section, the Corporation, or person authorized by it, shall make as little damage as possible and shall restore the land or street, as the case may be, to its former condition or to as near that condition as is possible.

(4) The acquisition of land in pursuance of paragraph (1)(e) shall be deemed to be for a “public purpose” within the meaning of section 2 of the Acquisition of Land Act, and that Act shall apply to such acquisition.

Ch 252

Power of
Minister

7. (1) The Minister may, after consultation with the Board, give to the Corporation such directions in writing, whether of a general or specific character, as to the discharge of its functions as appear to the Minister to be requisite in the public interest and the Corporation shall give effect to any such directions.

(2) The Corporation shall furnish the Minister with such returns, accounts and other information as he may from time to time require with respect to the property and activities of the Corporation and shall afford to him facilities for verifying such information in such manner and at such time as he may require.

PART III FINANCIAL PROVISIONS

Funds and
resources of the
Corporation

8. The funds and resources of the Corporation shall consist of —

- (a) such moneys as may be provided by Parliament;

-
- (b) such moneys as may from time to time accrue to the Corporation from its operations;
 - (c) such moneys as may from time to time be borrowed by the Corporation pursuant to section 9;
 - (d) such moneys as may from time to time be advanced to the Corporation pursuant to section 10;
 - (e) such other moneys and property as may in any manner be lawfully paid to or vested in the Corporation whether or not in respect of any matter incidental to its functions.

9. (1) Subject to this section, the Corporation may borrow sums required by it for meeting any of its obligations or discharging any of its functions and may in respect of such borrowing, issue debentures in such form as the Corporation may determine.

Borrowing
powers

(2) The power of the Corporation to borrow shall be exercisable only with the approval of the Minister, given with the consent of the Minister of Finance, as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected.

(3) An approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

(4) A person lending money to the Corporation shall not be bound to inquire whether the borrowing of the money is within the power of the Corporation.

10. (1) Subject to subsection (3), for the purposes of enabling the Corporation to defray expenditure properly chargeable to capital account, including provision of working capital, the Minister of Finance may, at the request of the Minister, make advances to the Corporation.

Advances, and
guarantee of
borrowings, by
the Government

(2) Subject to subsection (3), the Minister of Finance may, on behalf of the Government, at the request of the Minister, guarantee, in such manner and on such conditions as he thinks fit, the repayment of the principal of, and the payment of interest and other charges on, any authorized borrowings of the Corporation made otherwise than by way of advance under subsection (1).

(3) No advance shall be made and no guarantees shall be given under this section unless prior approval thereof has been signified by the House of Assembly in accordance with section 17 of the Financial Administration and Audit Act.

Ch 359

(4) Where any sum is issued for fulfilling a guarantee given under this section, the Minister of Finance shall, as soon as possible after the end of each financial year beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.

(5) Any sums required by the Minister of Finance for fulfilling a guarantee under this Act of borrowing of the Corporation shall be charged on and issued out of the Consolidated Fund.

Payment of, and interest on, advances and sums issued to meet guarantees

11. (1) The Corporation shall make to the Minister of Finance at such times and in such manner as the Minister may with the approval of the Minister of Finance direct, payments of such amounts as he may so direct in or towards repayment of advances made to the Corporation under section 10 and of any sums issued in fulfilment of any guarantee given thereunder, and payments of interest on what is outstanding for the time being in respect of such advances and of any sums so issued at such rate as he may so direct, and different rates of interest may be directed as respects different advances or sums and as respects interest for different periods.

(2) The Minister shall lay before each House of Parliament a statement of any payment due from the Corporation under subsection (1) which is not duly paid as required hereunder.

Surplus funds

12. (1) Subject to subsection (2), any moneys standing to the credit of the Corporation and not required for any current purpose (in this section referred to as “surplus funds”) may from time to time either be carried to any reserve fund established under section 13 or be invested by the Corporation in securities approved either generally or specifically by the Minister; and the Corporation may from time to time, with the like approval, sell any or all of such securities.

(2) No surplus funds shall be carried to reserve or invested under subsection (1) without the consent of the Minister of Finance, and the Minister of Finance may, notwithstanding section 7(1), direct that the whole or any part of any surplus funds shall be paid into the Consolidated Fund.

13. (1) The Corporation shall establish a reserve fund. Reserve Fund

(2) Subject to subsection (3), the management of the said fund, the sums to be carried from time to time to the credit thereof, and the application thereof, shall be as the Corporation may determine:

Provided that —

- (a) no part of the said fund shall be applied otherwise than for the purposes of the Corporation; and
- (b) the power of the Minister to give directions to the Corporation shall extend to the giving to it, with the approval of the Minister of Finance, of directions as to any matter relating to the establishment or management of the said fund, the carrying of sums to the credit thereof, or the application thereof, notwithstanding that the directions may be of a specific character.

(3) Notwithstanding section 7(1), the Minister of Finance may at any time direct that any part of the reserve fund established under subsection (1) shall be paid into the Consolidated Fund.

14. (1) It shall be the duty of the Corporation so to discharge its functions as to secure that its revenues are not less than sufficient to meet all sums property chargeable to its revenue account (including, without prejudice to the generality of that expression, provisions in respect of its obligations under section 12 and this section) taking one year with another. Balancing of revenue account, and surplus revenue

(2) Any excess of the revenue of the Corporation for any financial year over the sum property chargeable to its revenue account for that year (including the provisions referred to in subsection (1)) shall be applied by the Corporation for such purposes as it may determine with the approval of the Minister given with the consent of the Minister of Finance.

Accounts audit

15. (1) The Corporation shall keep proper accounts and other records in relation thereto, and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may with the approval of the Minister of Finance direct.

(2) The Minister shall lay a copy of every such statement of accounts before each House of Parliament, together with a copy of any report made by the auditors on the statement or on the accounts.

PART IV TRANSFER TO CORPORATION OF GOVERNMENT INSTALLATIONS

Transfer to
Corporation of
Government
installations

16. (1) Upon the commencement of this Act all installations within the area of control and administration of the Corporation, which, immediately before the commencement of this Act, were the property of the Government or were vested in any person for and on behalf of the Government or were operated by or on behalf of the Government in connection with the water-supply and sewerage systems shall be deemed to have been transferred to, and shall vest in, the Corporation.

(2) The transfer shall extend to the whole of the installations and shall include all plant, lands, works and other property, movable or immovable, assets, powers; rights or privileges held or enjoyed in connection therewith or appertaining thereto.

(3) Where the area of the Corporation's control and administration is extended by an order under section 3, subsections (1) and (2) shall apply to the extended area upon the commencement of the order.

Existing
contracts

17. All deeds, bonds, agreements and instruments subsisting immediately before the commencement of this Act and affecting the water-supply and sewerage systems within the area of control and administration of the Corporation shall be as effective against or in favour of the Corporation as if, instead of the Government or person acting on behalf of the Government, the Corporation had been named therein or had been a party thereto.

18. Notwithstanding sections 16 and 17, existing liabilities or debts incurred at the date of commencement of this Act in relation to any Government installation transferred under this Act or in relation to any deed, bond, agreement or instrument binding the Corporation by virtue of section 17 shall be liabilities and debts of the Government.

Existing liabilities.

PART V WATER-SUPPLY

19. The Corporation shall continue to maintain and extend the water-supply and sewerage systems in the area within its control and administration.

Maintenance of water-supply.

20. (1) The Corporation may agree to supply or to continue to supply water to any person upon such terms and conditions and for such period as the Corporation may think fit, which terms and conditions may, in particular, include provision for the furnishing of such security as the Corporation may require for the payment of water supplied or to be supplied.

Corporation's discretion to supply.

(2) Notwithstanding any agreement of the Corporation to supply water, the Corporation may diminish, withhold or suspend, stop, turn off or divert the supply of water whenever the Corporation may think fit and without compensation for any loss or damage which may result —

- (a) whenever the available supply of water shall, in the opinion of the Corporation, be insufficient;
- (b) whenever it may be expedient or necessary for the purpose of connecting, extending, altering or repairing the water-supply system.

(3) Notwithstanding subsection (1), the Corporation may restrict the purposes to which the water supplied is to be applied.

(4) Any person who uses water for a restricted purpose shall be guilty of an offence and liable to a fine of one thousand dollars or to imprisonment for a term of six months or both such fine and imprisonment.

21. (1) If new or reconstructed premises of a floor area of more than 450 square feet and situate within 200 yards of any service pipe or main are erected or

Connection of new premises.

reconstructed in an area of supply subsequent to the commencement of this Act, the owner of the premises shall make application to the Corporation for the supply of water.

(2) The application shall be made before occupation of the premises.

(3) Upon the application being granted the owner shall, at his own expense, cause the premises to be connected to the water-supply system.

(4) On failure or neglect by the owner to cause the premises to be connected to the water-supply system before occupation of the premises, the Corporation may enter into the premises at any reasonable hour and connect the same and the expense thereof shall become a debt due from and owing by the owner to the Corporation and a charge upon the premises, and, in addition thereto, the owner shall be guilty of an offence and liable to a fine of five hundred dollars or imprisonment for a term of three months or both such fine and imprisonment.

Connection of
existing premises

22. (1) The Corporation may, by notice in writing, require the owner of any existing premises having a floor area of more than 450 square feet and situate within 200 yards of any of the Corporation's supply pipes or mains, to connect at his own expense the premises to the water-supply system within such period as the Corporation may allow:

Provided that the Corporation shall suspend or revoke the notice if the Corporation is satisfied that the cost of connection will cause unreasonable hardship to the owner of the building.

(2) On failure or neglect by the owner to cause the premises to be connected to the water-supply system within the period allowed, the Corporation may enter into the premises at any reasonable hour and connect the same and the expense thereof shall become a debt due from and owing by the owner to the Corporation and a charge upon the premises and, in addition, the owner shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for a term of three months or both such fine and imprisonment.

23. (1) If a person entitled to a supply of water under an agreement with the Corporation makes default in payment of any sum due and owing to the Corporation, the Corporation may, after the expiration of 30 days from the date upon which notice that the supply will be cut off shall have been served upon the person, cut off the water-supply until payment of the sum due and of any expense incurred by the Corporation is made.

Power to cut off water-supply.

(2) If at any time after the water-supply has been cut off from any premises the owner or occupier of the premises shall fraudulently obtain a renewal of supply without the order of the Corporation, the owner or occupier of the premises, as the case may be, shall be guilty of an offence and liable to a fine of fifty dollars in respect of each day during which the supply shall have been so renewed.

24. Any person who —

- (a) wilfully injures or fraudulently alters any meter;
- (b) without the written consent of the Corporation connects or causes to be connected any water pipe, pump or reservoir to any water pipe, pump or reservoir belonging to the Corporation,

Damages to meter and fraudulent connection.

shall be guilty of an offence and liable to a fine of one thousand dollars or to imprisonment for a term of six months or both such fine and imprisonment.

PART VI SEWERAGE

25. The Minister of Health shall enforce the provisions of this Part in respect of any house-sewer or sanitary-fixture, and in respect of any escape of water (not being storm water), dirt or other offensive matter, from any premises, and for such purpose may enter into any premises at any reasonable hour and inspect the same.

Power of Minister of Health.

26. (1) This Part shall apply to New Providence only.

Application and interpretation.

(2) For the purposes of this Part —

“house-sewer” includes any sewer conduit, pipe, manhole, flushing-chamber, inspection chamber or other appliance connecting any sanitary fixture with any street sewer up to the property

line of the premises, or, where the street sewer is constructed within the premises, up to the street sewer;

“sanitary fixture” includes any bath, bidet, drinking fountain, lavatory sink, laundry tray, water closet, wind, cistern, flushing-tank, floor drain, trap, vent, piping or other appliance used for the collection and conveyance of sewage or fluid house refuse to the house-sewer, or the venting thereof;

“street-sewer” includes any sewer, pipe, manhole, gully, flushing tank, ventilating opening or shaft constructed or maintained by the Corporation.

Discharge of
insanitary fluids

27. (1) No person shall cause or allow to be discharged into any street or storm water drain any sewage, waste water or other fluid house refuse.

(2) Any person who contravenes subsection (1) after receipt of a notice in writing from the Minister of Health to cease contravening the subsection, shall be guilty of an offence and liable to a fine of one thousand dollars or to imprisonment for a term of six months or to both such fine and imprisonment and to a fine of fifty dollars in respect of every day, after receipt of the notice, during which the contravention continues.

Notice to
construct house-
sewers

28. (1) On receipt of notice in writing from the Minister of Health that premises are in an insanitary condition, the owner thereof shall, within the period of time specified in the notice, proceed to connect the same with the sewage system and to carry out all such works as may be required in the notice.

(2) Any owner who contravenes subsection (1) shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for a term not exceeding three months or both such fine and imprisonment.

New premises to
be connected to
sewerage system

29. (1) All new premises within the area to which the sewerage system extends shall be connected to it.

23 cf 1989, s 2

(2) Without prejudice to subsection (1) where the Minister of Health is of the opinion that any existing premises within two hundred yards of the Corporation's sewerage system should be connected to that system in the interest of the public health he may by notice in writing to

the owner of the premises require the owner to connect at his own expense those premises to the system within such time as shall be specified in the notice:

Provided that the Corporation may if it is satisfied upon the representations of the owner that the cost of connection will cause unreasonable hardship to the owner make such arrangements with the owner as to the discharge of the cost as the Corporation sees fit.

(3) A notice given pursuant to subsection (2) may be addressed to the owner by name or by reference to the description of the premises concerned and shall be deemed served upon the owner if left with the occupant of the premises or by affixing the notice upon a prominent position on the premises. *23 cf 1989, s 2*

(4) On failure or neglect by the owner to connect his premises to the sewerage system, the Minister of Health shall notify the Corporation and thereupon the Corporation may enter into the premises at any reasonable hour and connect the same and the expense thereof shall become a debt due from and owing by the owner to the Corporation and a charge upon the premises and, in addition, the owner shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for a term of three months or both such fine and imprisonment.

30. (1) No person shall connect any sewer or storm water drain to the sewerage system without the consent in writing of the Corporation. *No connection without consent*

(2) Any person who —

(a) contravenes subsection (1);

(b) having contravened subsection (1), fails or neglects to disconnect the sewer or storm water drain from the sewerage system after receipt of a notice in writing from the Corporation so to do,

shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for a term of three months or to both such fine and imprisonment and, in the case of a contravention of paragraph (b), to a further daily penalty of fifty dollars for every day during which the offence continues after the date of receipt of the notice.

31. (1) No person shall permit any matter which is injurious to the sewerage system or prejudicial to the disposal of sewage, or any steam or hot water at a *Trade waste*

temperature exceeding one hundred and fifty degrees fahrenheit to run into any street-sewer.

(2) Any person who, after receipt of notice in writing from the Corporation, continues to act in contravention of subsection (1) shall be guilty of an offence and liable to a fine of fifty dollars in respect of every day during which the offence continues after receipt of the notice.

(3) Where any person contravenes subsection (1) the Corporation may enter into the premises concerned for the purpose of preventing the contravention.

Misuse of system.

32. (1) No person shall deposit in any sanitary-fixture, house-sewer or street-sewer any solid matter except human excreta.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for a term of three months or both such fine and imprisonment, and, in addition to the fine, to pay compensation for any damage or expense caused by the contravention.

Design of house-sewers.

33. Every house-sewer shall be ventilated and shall, in addition to serving to remove faecal matter, be so constructed as to carry off any waste or other fluid house refuse (other than storm water) from any premises into the street-sewer.

Installation of fixtures.

34. (1) No storm water shall be permitted to enter into any sewer from any premises, and every sanitary-fixture shall be effectively installed so as to be trapped, ventilated and aerated to the satisfaction of the Corporation for the purpose of preventing any ascent of air or gas from any sewer.

(2) Every sink, gully, trap or other opening shall be so constructed or protected as to prevent any storm water from entering into any sewer.

Connections.

35. All pipe-laying and other works from the street-sewer to the property line for the purpose of connecting any premises to the sewerage system shall be effected by, or under the supervision of, the Corporation at the expense of the owner of the premises.

**PART VII
MISCELLANEOUS**

- 36.** The Corporation shall be exempt from the payment of —
- (a) customs duties under the Tariff Act in respect of the importation for its use of the items specified in the Third Schedule;
 - (b) any taxes under the Real Property Tax Act.
- 37.** (1) Any person who wilfully injures or causes to be injured the water-supply system or the sewerage system in any manner whatever shall be guilty of an offence and liable to a fine of one thousand dollars or to imprisonment for a term of six months or both such fine and imprisonment and to pay such sum as may be determined by the court as compensation to the Corporation for any expense incurred or likely to be incurred in repairing the injury.
- (2) Any person who wilfully obstructs any officer or employee of the Corporation, the Minister or the Minister of Health while such officer, employee or Minister is carrying into effect the provisions of this Act shall be guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for a term of three months or both such fine and imprisonment.
- 38.** All offences under this Act shall be prosecuted summarily.
- 39.** The Minister, after consultation with the Corporation, may make regulations for any or more of the following purposes —
- (a) providing for the recognition and registration of existing private water-rights, for the grant and registration of new private water-rights, for the limitations and restrictions imposed upon holders of water-rights in relation to the extraction and use of water;
 - (b) providing for the licensing of well-diggers, the terms and conditions of such licensing and the fees payable in respect of such licences;
 - (c) requiring records to be kept concerning the extraction and use of water and the quality and quantity of water used and discharged;

Exemption from
payment of
duties
Ch 295

Thrd Schedule
Ch 375

Wilful damage

Prosecutions

Regulations

- (d) prescribing the minimum standards and specifications which shall be used in the design, construction, protection and maintenance of water and sewerage installations and apparatus, the conditions under which such installations or apparatus shall be worked or operated and the prohibition of the use of dangerous apparatus;
- (e) prescribing the manner in which water shall be measured and the standards of measurement which shall be employed and the manner in which water is permitted to be or is prohibited from being supplied or used;
- (f) prescribing the powers and duties of officers and employees of the Corporation;
- ¹(g) prescribing any fees to be paid to the Corporation, other than those fees or charges to be fixed by the Commission established under the Public Utilities Commission Act, 1993.
- (h) providing for the conveyance to the Corporation of all property transferred to it under section 16;
- (i) prescribing anything which is incidental or conducive to the carrying out by the Corporation of its functions under section 5 and to the exercise of its powers under section 6.

36 cf 1993, s 2

Penalties

40. Where offences are prescribed by regulations under section 39, the penalties therefore shall not exceed a fine of five hundred dollars or imprisonment for three months.

FIRST SCHEDULE (Section 3)

SI 46/1989

All islands of The Bahamas.

¹ Section 3 of Act 36 of 1993 reads as follows —

“Any fees or charges prescribed under paragraph (g) of section 39 of the Water and Sewerage Corporation Act prior to its amendment by section 2 and in force at the coming into operation of that section shall continue to apply until replaced or cancelled by any determination made for the purpose by the Commission established under the Public Utilities Commission Act, 1993 ”

SECOND SCHEDULE (Section 4(2))
**PROVISIONS RELATING TO THE INCORPORATION, ETC.,
OF THE WATER AND SEWERAGE CORPORATION**
A Body Corporate

1. The Corporation shall be —

Incorporation.

- (a) a body corporate with perpetual succession and a common seal, having capacity to acquire, hold and dispose of property, movable and immovable, and to enter into contracts; and
- (b) capable of suing and of being sued and, subject to this Act, of doing and suffering all such acts as a body corporate may lawfully do and suffer.

2. (1) The common seal of the Corporation shall be in the custody of an officer of the Corporation designated by it and shall be affixed to instruments requiring the seal in the presence of the chairman or deputy chairman and one other member.

Seal, etc., of
Corporation.

(2) The common seal of the Corporation shall be authenticated by the signature of the chairman or deputy chairman and the other member, and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman or deputy chairman.

Chairman and Members

3. (1) The Board of the Corporation shall consist of —

Composition and
tenure of office.
11 cf 1976, s 2
29 cf 1992, s 2
and Sch

- (a) a Chairman appointed by the Governor-General and who shall hold office for such period as may be specified in the instrument of appointment unless the appointment is sooner revoked by the Governor-General;
- (b) a representative of the Ministry of Finance appointed by the Minister after consultation with the Minister of Finance;
- (c) not more than four other members appointed by the Minister and referred to in this Schedule as “appointed members”.

(2) The Minister shall appoint one of the appointed members to be the deputy chairman of the Board.

(3) Appointed members shall hold office for such period, not exceeding three years, as the Minister may direct, but shall be eligible for reappointment.

4. (1) Where membership of the Board is by virtue of an office and the holder of the office is absent or unable to act, then, the person acting in the office shall be a member of the Board for as long as he so acts.

Temporary
Membership.

(2) Where an appointed member is absent or unable to act as a member of the Board, the Minister may appoint some other person to act temporarily in the place of the appointed member.

Resignation.
29 *cf* 1992, s 2
and Sch

5. The members of the Board may by letter —

- (a) in the case of the Chairman addressed to the Governor-General;
- (b) in the case of an appointed member addressed to the Minister and transmitted through the Chairman,

resign membership of the Board.

Removal.

6. The Minister may by letter revoke the appointment of any appointed member of the Board if he thinks it expedient so to do.

Publication.

7. The appointment, removal, death or resignation of members of the Board shall be notified in the *Gazette*.

Remuneration.
29 *cf* 1992, s 2
and Sch

8. The Chairman and appointed members of the Board shall, unless employed about the affairs of the Corporation otherwise than as a member thereof, receive such remuneration and allowances as may be determined by the Minister with the consent of the Minister of Finance.

Proceedings

Meetings.

9 (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and its meetings shall be held at such places and times and on such days as the Board may determine.

(2) The chairman, or in his absence, the deputy chairman, shall preside at all meetings of the Board.

(3) The chairman, or in his absence, the deputy chairman and two other members of the Board shall form a quorum.

(4) The decisions of the Board shall be by a majority of votes and in addition to an original vote, in any case in which the voting is equal the chairman or deputy chairman presiding at the meeting shall have a casting vote.

(5) The validity of any proceeding of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

(6) Subject to this Schedule, the Board may regulate its own proceedings.

Power of Board
to invite persons
to attend
meetings.
40 *cf* 1992, s 2

10. (1) The Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the functioning of the Corporation, which is likely to be of assistance to the Board, to attend any meeting of the Board and to take part in the proceedings.

(2) Any person attending a meeting under subparagraph (1) may, if invited, take part in any discussion at the meeting but shall not have any voting rights. *40 cf 1992 s 2*

(3) Notwithstanding the foregoing provisions of this paragraph, the General Manager shall be entitled to attend any meeting of the Board, to take part in discussion of any matter other than such as may concern him personally, but shall not be entitled to vote. *40 cf 1992 s 2*

Stc,f

11. (1) There shall be a General Manager of the Corporation who shall be appointed by the Board, with the prior approval in writing of the Minister. *General Manager.*

(2) The General Manager shall be the chief executive of the Corporation and shall be responsible to the Board for —

- (a) the day to day administration of the Corporation's affairs; and
- (b) the provision of technical advice and guidance in matters of policy.

(3) The General Manager may, with the prior approval of the Minister, be removed from office on the ground of misconduct, inefficiency or other good cause.

(4) Whenever the General Manager is absent from The Bahamas or is for any reason unable to perform the functions of his office, the Board may appoint a person to act as General Manager during such absence or inability.

12. Save for the appointment of the General Manager which shall be made under paragraph 11, the Board shall appoint and employ, at such remuneration and on such terms and conditions as it thinks fit, a secretary and such other officers, servants and agents as it thinks necessary for the proper discharge of its functions. *Appointment of officers and servants.*

13. (1) Any public officer employed in the Water and Sewerage Department of the Ministry of Works and Utilities may, upon the commencement of this Act, with his consent, be transferred from the public service to the Corporation, for a period of twelve months from the date of such commencement. *Provisional transfer of certain public officers to service of the Corporation.*

(2) Where any public officer is transferred to the service of the Corporation under subparagraph (1), he shall not by reason of such transfer cease to be a public officer and the provisions of the Pensions Act shall continue to apply to him during the period of his transfer as if he were the holder of the office in the public service which he was holding immediately before the date of his transfer: *Ch. 43.*

Provided that no such officer shall be entitled to any salary or allowances as a public officer during the period of his transfer.

(3) During the period of twelve months referred to in subparagraph (1), every such officer shall be so employed by the Corporation that his remuneration and conditions of service are not less favourable than those which are attached to the appointment held by such officer at the commencement of this Act.

Offer and refusal of permanent employment in the Corporation.

14. (1) Within the period of twelve months referred to in paragraph 13(1), the Board shall determine in respect of each officer transferred to the service of the Corporation under that paragraph, whether or not the Board will offer permanent employment with the Corporation to such officer, and shall forthwith give notice of its determination to each such officer.

(2) Every officer who accepts permanent employment with the Corporation offered to him under subparagraph (1) shall be deemed to have ceased to be in the public service on the date of such acceptance.

(3) Every officer who —

- (a) having been offered permanent employment with the Corporation under subparagraph (1), refuses to accept such employment; or
- (b) has not been offered permanent employment with the Corporation under the said subparagraph,

shall at the expiration of the period of twelve months referred to in paragraph 13(1) be transferred from the service of the Corporation back to the public service.

Pension of persons transferred from the public service to the Corporation.

15. (1) Where any public officer holding a pensionable office under the Government ceases to be the holder of such office by reason of his transfer with his consent to the service of the Corporation and such person subsequently retires from the service of the Corporation in such circumstances that, had he remained a public officer, he would have been eligible for pension under the provisions of the Pensions Act, then in any such case the following provisions of this paragraph shall have effect.

(2) Any pension payable to any such person as is mentioned in subparagraph (1) by the Corporation to whose service he has been transferred shall be calculated and granted to him in respect of his total service under the Government and with the Corporation taken together and such service shall be reckoned as continuous for pension purposes.

(3) There shall be payable out of the Consolidated Fund upon the warrant of the Minister of Finance to the Corporation as contribution to every pension paid in accordance with subparagraph (2), such amounts as would have been payable to the person concerned by way of pension under the Pensions Act, if such person had retired from the public service and if he had been granted a pension under the Pensions Act upon the date of his ceasing to be a public officer.

Ch. 43.

Ch. 43.

16. (1) Appointed members, the General Manager, officers and servants of the Corporation shall be deemed to be public officers, for the purposes of the Penal Code. Public servants
Ch 84

(2) The Limitation Act shall apply to any action, suit, prosecution or other proceeding against the Corporation or against any member, officer or servant of the Corporation in respect of any act, neglect or default done or committed by him in such capacity. Ch 83

17. (1) The Corporation may, as regards any officers, servants or agents in whose case it may be determined by the Corporation with the approval of the Minister of Finance to make provision for the payment on their death, injury or retirement of pensions, gratuities or other like benefits, pay or provide for the payment of such pensions, gratuities or other like benefits to them or to others by reference to their service as may be determined. Pensions, etc

(2) Provisions for pensions, gratuities or other like benefits under this Schedule may be made either by contributory or non-contributory arrangements or partly by the one or by the other.

THIRD SCHEDULE (Section 36)

1. Plant machinery, tubes and pipes, pipe fittings and equipment of all kinds (mechanical, electrical electronic, hydraulic, pneumatic) including spares and accessories for the same.
2. Petroleum products.
3. Chemicals.
4. Structural steel and accessories.
5. Building material.
6. Office and plant furnishings and equipment, and office supplies.
7. Instrumental and control equipment.
8. Vehicles.
9. Tools.
10. Safety equipment.