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**CHAPTER 197****WATER SUPPLIES (OUT ISLANDS)****ARRANGEMENT OF SECTIONS**

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## CHAPTER 197

## WATER SUPPLIES (OUT ISLANDS)

**An Act to regulate and control public water supplies in the Out Islands.***[Commencement 28th May, 1953]*

1. This Act may be cited as the Water Supplies (Out Islands) Act.

2. This Act shall apply to the Out Islands.

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

“district” means any area in any part of the Out Islands to which the water supply extends or shall from time to time be extended;

“Minister” means the Minister charged with responsibility for Water and Sewerage;

“new premises” means any premises (as hereinafter defined) erected after the commencement of this Act or any premises which have been taken down to an extent exceeding one-half of their cubic measure and re-erected after the commencement of this Act;

“owner” includes the owner of any premises, and the receiver, attorney, agent, manager, guardian or committee of any such owner, and the master or agent of a ship or vessel used in navigation;

“person” includes joint tenants and tenants in common;

“premises” includes any dwelling-house, hotel, shop, office, or other place of business, together with its appurtenances;

“rules” means rules made under this Act;

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

26 *cf* 1953  
53 *cf* 1959  
15 *cf* 1963  
GN 7(2) *cf*  
1964  
44 *cf* 1965  
14 *cf* 1968  
E L A O, 1974  
Short title

Application of  
Act  
14 *cf* 1968, s 2  
Interpretation

14 *cf* 1968, s 3

E L A O, 1974

15 *cf* 1963, s 2

house refuse to the house-sewer, or the venting thereof;

“service pipe or main” means any pipe line of the water-supply system controlled by the Minister and intended for the distribution of water in a district;

“street” includes any square, court, alley, highway, lane, road, thoroughfare, public passage or place;

“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, measurement or regulation of water, which is used or constructed for the supply of water.

Maintenance of existing system, and future extension

4. The Minister shall maintain the existing water-supply system within any district, and may from time to time extend the same into, through, across, under or over any street or Crown land, or (subject to the provisions hereinafter contained) any land whatsoever situate within that district.

Power to excavate, and lay pipes

*GN 7 (2) cf 1964, s 6*

5. A person authorised by the Minister may enter into any premises within any district or the vicinity thereof at any reasonable hour and examine the same, and make any survey, or plan thereof, or any excavation which may be necessary for the purpose of determining the most suitable position for connecting any water pipe with the water main and may lay any water pipe from the water main to the property line of any premises.

Power to open up streets, etc

6. For the execution of any work to be undertaken or done, or for the inspection thereof, the Minister may —

- (a) open up any street in a district;
- (b) divert traffic from one street to another;
- (c) deposit upon any part of any street any material, implement, or thing used in connection therewith;
- (d) construct, erect and maintain any barrier, hoarding, fence, culvert, or other work necessary for the purpose, on any street:

Provided that on completion of the work the Minister shall replace road material and restore any such street to its previous condition.

7. For the execution of any work to be undertaken or done or for the inspection or maintenance thereof, a person authorised by the Minister may enter into any premises within any district or the vicinity thereof at any reasonable hour, and make any excavation which may be necessary for carrying into effect the provisions of this Act:

Power to enter upon land or premises and make excavations.

Provided that any such excavation shall immediately thereafter be replaced and made good and any damage accruing therefrom be repaired or compensation paid in lieu thereof.

8. A person authorised by the Minister may enter into any premises within any district or the vicinity thereof at any reasonable hour and remain therein for so long as may be necessary for the purpose of carrying into effect any of the provisions of this Act:

General power to enter upon land or premises.

Provided that notice in writing, specifying the work to be done, shall have been given to the owner thereof, and that upon the completion of any work undertaken by the Minister the premises shall be cleared of any tree or brushwood which shall have been cut down by the Minister, and the condition thereof restored by and at the expense of the Minister.

9. The owner of any premises into which a person authorised by the Minister proposes to enter shall have the right, within one week from the date of receipt of the notice aforesaid, to appeal in writing to the Minister against the proposed entry; and the Minister shall thereupon appoint two competent and disinterested persons to view the premises and make an award in writing of any damage which the owner is liable to suffer by reason of such entry, and thereafter the award shall be binding upon both parties:

Appeal to Minister.

Provided that if any such owner is aggrieved by the amount of compensation awarded under the provisions of this subsection, he may appeal to the Supreme Court within such time and in such manner as may be provided by rules made under section 76 of the Supreme Court Act.

44 *cf* 1965, s 2

Ch. 53.

#### *Plumbing Fixtures*

10. No person (other than the Minister or a person authorised by the Minister) shall construct, extend, alter or repair any water pipe or fitting connected with the water-

No unauthorised person to construct, etc.

*14 cf 1968, s 4*

supply system in any manner whatsoever, and any person who without the authority of the Minister constructs, extends, alters or repairs, or causes to be constructed, extended, altered or repaired any water pipe or fitting shall be guilty of an offence against this Act.

Authority to alter or repair.

**11.** The Minister may authorise any person to construct, extend, alter or repair any water pipe or fitting connected with the water-supply system in any manner whatsoever:

Provided that no such authority shall be granted unless and until the applicant shall have satisfied the Minister as to his competency, and shall have entered into an agreement with the Minister to carry into effect the provisions of this Act and of any rules made thereunder, and to obey the orders of the Minister.

Liability of authorised person.

**12.** Every authorised person shall be responsible for any act done by him or by any person employed by him or acting under his authority, and no liability shall attach to the Minister in respect of any act done by any authorised person.

Withdrawal and cancellation of authority.

**13.** If any authorised person shall do any act contrary to the provisions of this Act or of any rules made thereunder, or in any way fail or neglect to carry out work to the satisfaction of the Minister, his authority may be withdrawn and cancelled:

Provided, however, that the withdrawal and cancellation of such authority shall not prejudice the right of the owner of any premises or of the Minister to recover damages caused by the failure or neglect of any authorised person from whom such authority has been withdrawn.

#### *Water-Supply System*

Supply of water.  
*15 cf 1963, s 3;*  
*14 cf 1968, s 5*

**14.** (1) The minister in any district may agree to supply water for any purpose prescribed by the rules to any owner upon such terms and conditions and for such period as he may think fit.

(2) The Minister in any district may supply water for the use of members of the public, for any purpose prescribed by the rules, by means of standpipes and taps situated in public places, and not otherwise:

Provided, however, that the Minister may reduce the quantity of water supplied or reduce the pressure of the water-supply or cut off the supply if in his opinion water is not available.

**15.** (1) The Minister may, by notice in writing, require the owner of any building, being of a capital value of two thousand dollars or over and being situated in any district within two hundred yards of any service pipe or main, to connect at his own expense the said building with the water-supply system, within a period of three months from such requisition or such extended period as the Minister may allow:

Power to require owner to connect building with water-supply system  
*5 cf 1987, s 2*

Provided that, if the Minister is satisfied that the water supplied to such building other than from the water-supply system is pure, wholesome and suitable for human consumption, he shall suspend such notice for so long as such water supply remains pure, wholesome and suitable for human consumption:

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

(2) On failure or neglect of the owner to cause such building to be connected with the water-supply system within the period allowed, it shall be lawful for a person authorised by the Minister to enter into any such 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 Minister and a charge upon the premises, and in addition thereto the owner shall be liable to a fine of two hundred dollars.

*5 cf 1987, s 2*

**16.** (1) If any person entitled to a supply of water under any agreement with the Minister makes default in payment of any sum due and owing to the Minister, the Minister may, after the expiration of thirty days from the date upon which notice of the same shall have been served upon any such person, cut off the water-supply until such sum, together with any expense incurred by him, is paid.

Power to cut off water-supply

(2) If at any time after the water-supply has been cut off from any premises the owner of such premises shall fraudulently obtain a renewal thereof without the order of

5 *cf* 1987, s 2

the Minister, the owner of such premises shall be guilty of an offence against this Act, and, in addition to any expense incurred by the Minister, shall be liable to a fine of twenty dollars in respect of each day during which the supply shall have been so renewed.

Power to enter premises

**17.** A person authorised by the Minister may enter into any premises within any district at any reasonable hour for the purpose of —

- (a) examining any pipe, meter, fitting, work or apparatus for the supply of water belonging to him; (b) ascertaining the quantity of water which from time to time has been supplied;
- (c) cutting off the water-supply;
- (d) upon the water-supply being cut off, removing any pipe, fitting, or apparatus belonging to him; and
- (e) ascertaining whether there is a leakage or an excessive consumption of water or a use of water for other than domestic purposes or any other misuse of water.

Damage to property of Minister  
5 *cf* 1987, s 2

**18.** Any person who wilfully injures or fraudulently alters any meter, shall be liable to a fine of twenty dollars, and any person who connects or causes to be connected any water pipe, pump or reservoir with any water pipe, pump or reservoir belonging to the Minister (without his consent in writing), shall in addition thereto, be liable to a further fine of four dollars in respect of every day during which such offence shall have been committed.

#### *Miscellaneous*

Wilful damage

**19.** (1) Any person who wilfully injures or causes to be injured a water-supply system maintained by the Minister in any manner whatsoever shall be guilty of an offence, and in addition to any penalty prescribed by this Act shall be liable to repay to the Minister any expense incurred by him in repairing any such injury.

5 *cf* 1987, s 2

(2) Any person who wilfully obstructs the Minister in carrying into effect any of the provisions of this Act shall be liable to a fine of twenty dollars in respect of each day during which such obstruction is continued.



(3) Any person who knowingly wastes water by any means whatsoever to the detriment of other consumers of the water-supply system shall be liable on summary conviction to a fine of fifty dollars; and on the conviction of such person the Minister may terminate his agreement with the owner of the premises on which the offence was committed.

*5 cf 1987, Sch*

**20.** No property of the Minister which may be placed in or upon any premises shall be liable to distress for rent, or be taken in execution, or in respect of any proceedings in bankruptcy against the owner of such premises.

Exemption of Minister's property from distress.

**21.** (1) Any person who commits any offence against this Act or against the rules for which no punishment is specifically provided shall be liable to a fine of one hundred dollars or to imprisonment for four months.

General penalty.

*5 cf 1987, Sch*

(2) Any proceeding under the provisions of this Act may be brought summarily before a stipendiary and circuit magistrate in the name of the Minister, and any sum due from and owing to the Minister by any person shall rank preferentially to all existing or future debts.

**22.** The Minister may from time to time make rules —

Rules.

- (a) defining the rates payable in connection with the water-supply system;
- (b) prescribing the purposes for which water supplies controlled by the Minister may be used; and
- (c) generally for carrying into effect the provisions of this Act.

**23.** All expenses incurred in carrying out the provisions and objects of this Act shall be paid out of the Consolidated Fund by warrant in the usual manner.

Expenses.