

THE PARISHES WATER SUPPLY ACT

ARRANGEMENT OF SECTIONS

1. Short title.

PART I. Public Water Supply

2. Places where this Part is in force.
3. Interpretation.

Construction of Works

4. Application for power to construct water works.
5. Water Supply districts—definition of.
6. Powers of Parish Council to construct works.
7. Powers of Chief Technical Director if authorized to undertake any water works.

Acquisition, etc., of Land

8. Power to acquire lands, etc.
9. Lands Clauses Act partially incorporated.
10. Vesting of lands and management of water works.
11. Power to alter streets, roads, etc.
12. Sale of superfluous lands.

Financial

13. Advances for construction or maintenance of works.
14. Repayment of advances and interest on what rates charged.
15. Provision for repayment.

Rates and Charges

16. Water Supply rates.
Property partly within and partly without rateable area.
Relief.
17. Application of this Act to parishes listed in Fourth Schedule.

PARISHES WATER SUPPLY

18. Rates on Government buildings.
19. Existing rates.
20. Rights of ratepayers to water.
21. Contracts for supply of water.
22. Sales of water.
23. Parish Council and Corporation authorized to charge in accordance with by-laws for the supply of water from public tanks constructed under Law 26 of 1893 (now repealed).
24. Free supply of water by Parish Councils.
25. Free supply of water by Water Commission.
26. [*Repeated.*]

Water Supply Accounts

27. Accounts for each district.
28. Payments in.
29. Payments out.
30. Expenses of collection.
31. Deficiencies, how payable.

Management

32. By-laws.
33. Application of section 124 of Parish Councils Act.
34. Fittings.

Legal

35. Recovery of rates, etc., by suit.
36. Documents free from stamp duty.

Offences, etc.

37. Arrest on view.
38. Damage to Works, etc.
39. Frauds.
40. Tampering with pipes, etc.
41. Entry on premises.

42. Free process.
43. Time limitation for prosecution.
44. Recovery of penalties.

PART II. *Jamaica Parishes Water Supply Loans*

45. Interpretation of terms.
46. Parish Council of any parish may make loans to persons in possession of land.
47. Application of Part II.
48. Form of receipt.
Rights and powers which shall be conferred on Council on receipt being signed.
49. Implied covenants with Council.
50. Implied covenants binding on occupier of land.
51. Receipts for advances.
52. Offences.
53. Expenses.
54. Receipts in the form in First Schedule to be in duplicate.
55. Exemption from fees and stamp duty.
56. Council may direct that loan or instalment thereof be made by supplying borrower with building materials.
57. Moneys owing to Council shall be paid to Collector of Taxes of parish.

PART III. *Miscellaneous Provisions*

58. Chief Technical Director may take over water works.
59. Minister may make arrangements for charge and administration of water works.
60. Transfer of powers to Chief Technical Director.
61. Re-transfer of water works.
62. Legal proceedings.
63. Chief Technical Director exempt from personal responsibility.

SCHEDULES

Cap. 270.
Laws
36 of 1957,
68 of 1958
S. 33,
17 of 1959,
27 of 1959,
34 of 1959
S. 41.
Acts
16 of 1972,
49 of 1974,
26 of 1980,
S. 12,
40/1995
S. 3.

THE PARISHES WATER SUPPLY ACT

[28th November, 1889.]

1. This Act may be cited as the Parishes Water Supply Act. Short title.

PART I. *Public Water Supply*

2. This Part shall not apply to or be in force in the parishes of Kingston and St. Andrew. Places where this Part is in force.
26/1980
S. 12.

3. In this Act—

“district” means a district defined under any of the Public Interpreta-
tion.

Water Supply Laws 1873-1888, (now repealed) or defined under this Act;

“house” means any dwelling-house, shop, store, wharf, warehouse, office or place of business;

“Minister” means the Minister responsible for domestic water supplies;

“person in possession of property” includes the owner, occupier, mortgagee in possession, or other person in actual possession of such property;

“property” means any property shown on the Valuation Roll made and settled, or from time to time duly altered and amended under the authority of the Valuation Act;

“service pipe” means any pipe laid in premises for supplying water from the public water supply of the district to such premises and subject to water pressure from any waterway connected to such public water supply, or which would be so subject but for the closing of some tap; 17/1959
S. 2.

- “the value of the property” means the gross value of any property as shown in the Valuation Roll;
- “waterway” and “waterways” include all aqueducts, gutters, drains, culverts, pipes, streams and rivers, and all other means and apparatus in any way built, constructed, diverted or used, under this Act for the purpose of supplying any district with water;
- “water work” and “water works” include tanks, wells, reservoirs and all other receptacles for water, constructed or used under this Act or the ownership of which is vested in, or which are for the time being in the occupation of or subject to the management or control of, any Parish Council.

Construction of Works

Application
for power
to construct
water works.

4. It shall be lawful for the Parish Council of any parish to apply to the Minister from time to time to authorize the construction of water works under this Act, or the enlargement or improvement of any water works already constructed or in course of construction and the Minister may give or refuse such authority as he may think fit.

Water
Supply
districts—
definition of.
16/1972
S. 2.

5. In each case in which the Parish Council of any parish has been or shall hereafter be authorized to construct any water works under this Part it shall be lawful for the Minister to define the limits of the district (which may if the Minister thinks fit comprise the whole parish) for which such water supply is or shall be provided, and from time to time, as he shall think fit, to enlarge, lessen or alter, such limits, as also the limits of any district already defined by the Minister.

Powers of
Parish
Councils to
construct
works.

6. Each Parish Council so authorized shall have power to construct such water works, and make such waterways, as may be deemed necessary or advisable, and to repair, improve, enlarge and renew, the same respectively, and

shall have power to alter or regulate the course of any river (not being navigable), stream or watercourse, or to take water from any such river, stream or watercourse in such manner as may be deemed necessary for the purposes of this Part; but full compensation for all damages sustained by any person in consequence of such alteration or regulation shall be made under the provisions of the Lands Clauses Act, and shall be ascertained and enforced in the manner therein prescribed.

7. Each Parish Council so authorized may, by resolution, request the Chief Technical Director to construct, enlarge, improve or repair, all or any of the water works so authorized, or perform any works connected with the same or the waterways thereof; whereupon, if the Minister shall authorize the Chief Technical Director to undertake the same, the Chief Technical Director shall be invested with all the powers in such behalf vested in such Parish Council under section 6 and section 11, and shall have and may exercise all and every of the powers, privileges and immunities, which are vested in or granted to him as Chief Technical Director under any enactment of this Island, so far as the same are or may be in any way applicable to the works undertaken by him under this Part.

Powers of Chief Technical Director if authorized to undertake any water works.

Acquisition, etc., of Land

8. For the purpose of carrying out this Part it shall be lawful for the Parish Council of any parish, with the general or special approval of the Minister, to acquire under the Lands Clauses Act, or in any other manner, lands and such rights and easements in, upon, over or under lands, as may be deemed necessary for constructing the works and obtaining and securing as large a supply of water as may be necessary for any district.

Power to acquire lands, etc.

9. The Lands Clauses Act is incorporated with this Part of this Act, except sections 10, 11, 84, 88, 89, 90, 91, 92, 93, 101, 103, 104 and 105, so far as section 105 gives any right

Lands Clauses Act partially incorporated.

to the Accountant-General to deduct a percentage from money paid into the Treasury, and except so far as the said Act is inconsistent with or varied by the provisions of this Part and in construing the same the Parish Council of the parish authorized to construct water works under this Act shall be deemed to be "the promoters of the undertaking"; and all costs and moneys payable by the promoters of the undertaking shall be chargeable primarily to the moneys in the hands of the Accountant-General to the credit of the parish applicable to the purposes of the said water works, and shall not in any way be chargeable against the individual members of the Parish Council personally, nor shall they, or any or either of them, be liable personally for any penalty by the said Act imposed on the promoters of the undertaking.

Vesting of
lands and
manage-
ment of
water
works.

10. All lands acquired under this Part shall be conveyed to and vested in, and all lands acquired under any of the Laws, namely, Laws 24 of 1873, 18 of 1881, 8 of 1886 and 29 of 1888 which are repealed by Law 28 of 1889 (which now forms part of this Act) shall continue to be vested in the Commissioner of Lands of Jamaica and his successors, and shall be held by him for the purposes of this Part, and for securing the repayment of all moneys advanced under any of the said Laws or this Part, and of interest thereon:

Provided that in each parish the Parish Council shall have the entire occupation, management and control, of all the water works constructed or used under any of the said Laws or this Part, and of the public water supply thereat, and of the lands, rights and easements, purchased therefor.

Power to
alter
streets,
roads, etc.

11. The promoters of the undertaking, as herein explained, shall have power, with the approval of the Minister, to alter, for the purposes of this Part, as they may consider to be necessary, any roads, streets, or lanes, adjoining or near to the land acquired under any of the said Laws or this Part, and may acquire land under this Part for the purpose of adding to or altering any such roads, streets or lanes.

12. Any superfluous lands vested in the Commissioner of Lands under any of the said repealed Laws or this Part, and any lands which shall hereafter cease to be needed or used for the purposes of this Part may, with the approval of the Minister, be sold by the Parish Council of the parish acquiring the same, and shall be conveyed by the Commissioner of Lands to such persons and in such manner as such Parish Council may direct.

Sale of superfluous lands.

Such land so conveyed shall be thereupon discharged from any trust created by this Part, and the purchase moneys shall be paid into the Treasury, to the credit of the water supply account of the district in which such superfluous lands may be situated.

Financial

13. The Minister may order that the whole or any part of the amount required for the construction, enlargement, improvement and maintenance, of such water works as have been or shall be authorized as aforesaid shall be advanced by the Accountant-General to the Parish Council so authorized, in such manner, by such instalments and at such periods, as the Minister shall from time to time direct.

Advances for construction or maintenance of works.

14. All advances already made or which shall hereafter be made by the Accountant-General to any parish for or towards the construction, enlargement, improvement or maintenance, of any water works, constructed or to be constructed under any of the Laws repealed as aforesaid or under this Part, shall be charges upon and payable primarily out of the rates leviable under this Part within the district for which such water supply is provided, and in case such rates prove insufficient for payment of the said advances and interest at the times when the same are payable respectively, the deficiency shall be made good out of the General Fund of the parish; and the Parish Council of the

Repayment of advances and interest on what rates charged.

said parish is hereby authorized and required from time to time to increase the Parish General Rate so far as may be necessary to make good any such deficiency, and the said rate is hereby made liable for the payment thereof, and for the payment of interest thereon at a rate not exceeding five *per centum* per annum, which shall be written up at the close of each financial year to the debit of the water supply account hereinafter mentioned of the district assisted.

Provision
for repay-
ment.

15. It shall be lawful for the Minister at the time of making any advance under this Part, to determine what proportion of the capital sum advanced shall be paid each year, by way of interest and towards the payment of principal, by the Parish Council to which such advance has been made, and also when the first of such payments shall be made, and until such first payment is made the annual interest on such advance shall be added to the principal :

Provided always that it shall be lawful for the Parish Council to repay at any time the amount of such advance, and the interest thereon, out of any money at their disposal which may be lawfully so applied :

Provided further that the Minister may in his discretion, under any special circumstances, and on the application of the Parish Council of the parish, diminish the proportion of the sum advanced under any of the Laws repealed as aforesaid or under this Part that is to be paid in any one year.

It shall be lawful for the Parish Council to receive and give releases for any gift, grant or legacy, from any person for the purposes of any water works for providing a supply of water within its parish.

Rates and Charges

16. Subject to the provisions of section 17, after the publication in the *Gazette* of the definition of any district it shall be lawful for the Parish Council of the parish, with the approval of the Minister, to fix a water rate to be raised and paid throughout such district for the purposes of this Part—

Water
Supply
rates.
27/1959
S. 2 (a).

- (a) Each water rate may be fixed either by a uniform rating on every twenty dollars or fractional part thereof of the value of the property in respect whereof the same is payable, or by a graduated scale of charges based either on such value or on the supply of water or on such value and on the supply of water, and may be altered from the one to the other. In fixing any such water rate special provision may be made for a diminution or increase of rate for certain classes of property based upon the purpose for which the rateable property is used. The value of any property under the value of eighty dollars shall be taken to be forty dollars.
- (b) Any such rate shall be made payable in respect of all property in such district in which a service pipe is laid provided that such property be occupied. ^{17/1959}
_{S. 3.}
- (c) Any such rate shall be payable in advance for such period (not being less than one or more than twelve months) as the said Council, with the approval aforesaid, shall fix, and shall be paid by the person in possession of such house, or the owner or possessor of each head of horsekind or horned or other stock in case the same is made payable in respect of horsekind and stock, during the whole or any part of such period, to the Collector or Assistant Collector of Taxes for the district, at

his office, on such day or days as such office may be open for the purpose; and in case of non-payment, payment may be enforced under the provisions of the Tax Collection Act, and any enactment amending the same, as if the person liable to pay the same had made a return thereof under the Tax Collection Act, and had failed therewith to pay the same:

16/1972
S. 3.

Provided that the Minister may, where he considers it expedient so to do, by order provide that the payment of the rate shall be made in like manner as aforesaid to the Council instead of the Collector or Assistant Collector of Taxes for the district; and that in case of non-payment, payment may be enforced in accordance with the provisions specified in the order.

- (d) It shall be no objection to any rate made under this Act that it is fixed at a lower scale in some portions of the district than in others, if in the judgment of the Minister it is impracticable to give to such first-mentioned portions of the district the same facilities and advantages in respect of the supply of water as are given to the other portions and less facilities and advantages are given accordingly.
- (e) Any such rate may be altered, increased or diminished in such manner as the Minister shall see fit.
- (f) Any rate fixed as aforesaid, or any alteration, diminution or increase, of the same shall take effect from the first day of the month next after that in which the water shall have been supplied from the beginning of the month:

Provided always that it shall not take effect from an earlier day than the first day of the month next after that in which it shall have been fixed, altered, diminished or increased, as aforesaid.

- (g) When a property lies partly within and partly without any area within which any rate under this Act applies, the same shall be levied on the value of such portion only of the property as lies within the rateable area, and the value of such portion shall be settled in the same way, as nearly as may be, as values have been settled under the Valuation Act. Property partly within and partly without rateable area.
- (h) The provisions of sections 41, 42, and 43 of the Tax Collection Act shall apply to and regulate the granting of relief from the rate under this Act. Relief.

17.—(1) Notwithstanding the provisions of section 16, from and after the appointed day, in relation to the parishes listed in the Fourth Schedule, section 16, aforesaid shall be construed as if modified in the manner set out in the Fifth Schedule. Application of this Act to parishes listed in Fourth Schedule. 27/1959 S. 3. Fifth Schedule.

(2) The Minister may from time to time, by order, add to the Fourth Schedule any parish.

(3) In this section “the appointed day” means in relation to the parishes of Saint Catherine and Saint Ann, the 1st day of April, 1959, and, in relation to any other parish, the 1st day of April next after the date on which pursuant to subsection (2) such parish is added to the Fourth Schedule. Fourth Schedule.

18. The Government of this Island shall be liable to the prescribed water rate in respect of all buildings belonging to this Island or used by them for public purposes within Rates on Government buildings.

any district, in the same way that the occupier of such property would have been liable if it had belonged to a private person; and the Accountant-General shall, for the purposes of this Part, pay to the credit of the water supply account hereinafter mentioned for each district in which such buildings are situated, the amount of the water rate payable in respect of such property. For the purposes of this Part, the rateable value of buildings belonging to or used by the Government shall be fixed in the same manner as that of other property.

Existing rates.

19. Any water rate heretofore fixed in any district by the Parish Council of any parish, and approved by the Minister, shall, in so far as it may be in conformity with or capable of being supported under the provisions of this Part, be deemed to be valid effectual under the provisions of this Part.

Rights of ratepayers to water.

20. Every person resident within a district who shall pay the water rates for such district in manner aforesaid, and produce when required his receipt therefor, shall be entitled to be supplied with water from the public water supply of such district, subject only to the rules and regulations for the time being affecting the same made and approved under this Part, and to any limit which shall thereby be prescribed.

Contracts for supply of water.

21. Subject to the obligations imposed by the last preceding section, any Parish Council having a public water supply may enter into contracts with any bodies corporate or politic or with any person or persons whomsoever, for the supply of water in such quantities, at such times, and in such manner and at such prices, payable in such manner and at such times, as may be agreed on, to or for any premises not situated within a district; or to or for any institution, public or private, wheresoever situated, or to or for any ship or other

vessel. All applications for any such supplies of water shall be made in such form, and subject to such regulations, as such Parish Council shall from time to time require.

22. The Parish Council of any parish may sell and dispose of and deliver water from the water works in any district in such parish at such prices and times, and in such manner, and by such agents, as they may from time to time appoint, and may employ such agents or servants for the purpose of retailing and superintending the delivery of such water, and on such terms of a fixed salary or commissions, and of accounting for and paying over all sums of money received for such sales of water, as they shall think fit; and all moneys so received shall be paid over to the Secretary of such Council, and shall be paid by him to the Accountant-General, to the credit of the water supply account of such district hereinafter mentioned.

Sales of water.

23. It shall be lawful for the Parish Council of any parish in which any tank was constructed under the Public Tanks Law, 1893, (Law 26 of 1893) now repealed, and the said Parish Council is hereby authorized to charge for the supply of water from the same in accordance with by-laws to be made by such Council with the approval of the Minister who shall have power to alter or amend the same.

Parish Council and Corporation authorized to charge in accordance with by-laws for the supply of water from public tanks constructed under Law 26 of 1893 (now repealed). 36/1937 S. 5.

24. The Parish Councils in the several parishes of this Island, in charge of public water supplies, are hereby empowered, if they think fit, and subject to such orders as they may make—

Free supply of water by Parish Councils. 49/1974. S. 2.

- (a) to supply water, free of water rates or other charge for the same, in any area by any means other than service pipes; and

- (b) to supply water at cost by means of service pipes to public educational institutions offering primary education as defined in the Education Act.

Free supply
of water
by Water
Commission.

25. The National Water Commission created under the National Water Commission Act shall, under their supervision, and to their satisfaction, and subject to such conditions as they may think fit, allow connection to be made with their mains, or otherwise to supply at cost water to public educational institutions offering primary education as defined in the Education Act, in the parishes of Kingston and St. Andrew which are within the limits of their water service.

49/1974
S. 3. (1) (a),
(b).

26. [*Repealed*]

Water Supply Accounts

Accounts
for each
district.

27. The Accountant-General shall open and keep separate accounts with each Parish Council which has obtained, or which shall hereafter obtain, advances for water supply purposes in respect of any district, of the sums so advanced, and of all interest thereon, and of all sums paid from time to time under section 29, and of all collections, payments and credits, in respect thereof, which account shall, in each case, be opened as the water supply account for the district assisted.

Payments
in.

28. All money received by any Collector of Taxes for or in respect of any water rate under this Part, or by any Parish Council for water supplied under this Part, shall be paid into the Treasury, to the credit of the water supply account of the district for which such water supply is provided.

29. The Accountant-General shall from time to time pay from the moneys in his hands at the credit of the water supply account for any district, the drafts of the Parish Council of the parish in which such district lies, drawn against such account in respect of the construction of the works authorized, and of the current charges of management and maintenance of the same, and of such extraordinary charges for repairs and renewal of works, and for new works, and for purchases of additional property, and for any other extraordinary expenses, as may be authorized by the Minister specially under this Part.

Payments
out.

30. It shall be lawful for the Accountant-General to deduct, from the amount of all water rates collected and paid over to him by any Collector of Taxes under this Part, a sum equal to five *per centum* on such amount, to cover expenses of collection; and such percentage shall form part of the Consolidated Fund.

Expenses of
collection.

31. In case, upon the accounts kept under this Part between the Accountant-General and any Parish Council in respect of any water works authorized to be constructed as aforesaid, and in respect of which an advance or advances have been made by the Accountant-General, it shall appear that the water rates to be credited as aforesaid, after deducting the authorized expenditure to be debited as aforesaid, are in any year insufficient to pay the interest upon such advance or advances together with the proportion of the capital sum payable as aforesaid, the Accountant-General shall make good such insufficiency out of the first moneys coming to his hands as the proceeds of the Parish General Rate leviable within such parish under the provisions of the Parochial Rates and Finance Act, and such appropriation shall be legal, anything in the said Act to the contrary notwithstanding.

Deficiencies-
how
payable.

Management

By-laws.

32.—(1) Every Parish Council may make by-laws—

- (a) for the prevention of waste of water; and
- (b) for the prevention of the improper use of any water pipes or fittings or appliances attached thereto; and
- (c) for regulating the use of any water works or waterways; and
- (d) for regulating the sale and delivery and supply and use of water in the parish; and
- (e) for prescribing the amount, manner and limit of the supply of water to any ratepayer or class of ratepayers in the parish; and
- (f) for defining and regulating the powers, rights, duties and conduct of all persons employed, in about or in connection with the water works or waterways situated within the parish and of all persons seeking a supply of water from any such water work or water way; and
- (g) for the cutting off and stoppage of the supply of water to premises—
 - (i) if the water rate in respect of such premises is in arrear and unpaid; or
 - (ii) if there has been waste of water supplied to such premises whether such waste was occasioned by an act or default of the person paying the water rates or not.

(2) Notwithstanding anything to the contrary different by-laws may be made under subsection (1) in respect of different areas in any parish.

(3) Every person who contravenes or fails to comply with any by-law made under subsection (1) shall be guilty

of an offence against this section and upon summary conviction thereof shall be liable to a fine not exceeding ten thousand dollars. 40/1995
S. 3.

(4) Every person who, in the contravention of any by-law does any damage—

- (a) to any water work or waterway; or
- (b) to any water pipe, fitting or appliance vested in or supplied by any Parish Council and which is used or intended to be used in connection with any water work or waterway,

shall on conviction of such contravention be liable, in addition to the fine specified in subsection (3), to pay to the Parish Council the value of such damage or in default of payment forthwith to imprisonment, with or without hard labour, for a term not exceeding three months.

(5) Notwithstanding anything to the contrary where the supply of water to any premises is cut off under the provisions of any by-law the water rates payable in respect of such premises shall not abate during the time that the supply is so cut off unless the Parish Council otherwise directs in any particular case.

(6) *[Deleted by Act 40 of 1995, S. 3.]*

33. The provisions of section 124 of the Parish Councils Act shall apply in relation to by-laws under this Act.

Applica-
tion of
section
124 of
Parish
Councils
Act.
40/1995
S. 3.

34. All fittings for the conveyance, delivery or storage of water, which may be required by any occupier of property to be placed in connection with fittings belonging to a Parish Council, shall be in all respects subject to the approval of such Council, and shall be kept constantly in serviceable condition to the satisfaction of the Council, at the expense

Fittings.

of the party who may require them, and any such fittings not so approved or kept serviceable as aforesaid may be removed by or under the direction of the Parish Council, or the Parish Council in their option may cut off the supply of water from the premises where such fittings shall be placed.

Legal

Recovery of rates, etc., by suit.

35. Notwithstanding the means of collection of rates hereby provided, any Parish Council may, in addition thereto or in lieu thereof, proceed to recover and enforce the same, or any arrears thereof, or any moneys payable to them under this Part, or under any contract made with them, by action, plaint or suit, at Law or in Equity, and by execution and proceedings thereunder, or upon any judgment thereon.

Documents free from stamp duty.

36. All conveyances, leases, contracts and other documents, made or given by or to the Commissioner of Lands, the Chief Technical Director, or any Parish Council, in proceedings under this Act shall be free of stamp duty.

Offences, etc.

Arrest on view.

37. The person in charge of any well or tank, or other place of water supply provided under this Act, or otherwise by any Parish Council, shall have power to apprehend or cause to be apprehended, without warrant, any person who shall, in his view, at or near such well, tank or place, commit any nuisance, or any breach of the by-laws made and approved as aforesaid, and shall also have, at and near such well, tank or place, the powers of a constable.

Damage to Works, etc.

38. Every person who shall in any way destroy or damage any water works, or destroy, damage or obstruct any waterway, or in any way defile or injure the water in any water works or waterways, shall be liable to a penalty for each offence not exceeding ten thousand dollars.

40/1995
S. 3.

39. Any person who shall fraudulently take or attempt to take any water from any water work or waterway constructed or used under this Act and in the exclusive possession of a Parish Council, and any person who shall by any means fraudulently obtain water from any such water work or waterway in excess of any quantity that he may be authorized to take, shall be liable to a penalty not exceeding thirty thousand dollars.

Frauds.

40/1995
S. 3.

40. No person shall make any alteration in, or any connection with, any of the pipes or fittings of any Parish Council, without the permission of such Parish Council being first had and obtained; and every person convicted of so doing shall be liable to a penalty not exceeding five thousand dollars.

Tampering
with pipes,
etc.

40/1995
S. 3.

41. Every servant or agent of any Parish Council authorized by the Parish Council may at any time between the hours of eight o'clock in the morning and six o'clock in the afternoon enter upon any premises supplied with water by the Council, for the purpose of—

Entry on
premises

- (a) examining the pipes or means by which water is supplied to such premises or any appliance or thing used upon such premises in connection with such pipes or means of supply; or
- (b) cutting off the supply of water to such premises in any case where it is permissible under the provisions of this Act for such supply to be cut off.

42. In any prosecutions under this Act, the several Parish Councils and their officers shall have free process in any of the courts of this Island.

Free
process.

43. All prosecutions for offences against this Act, or against any by-laws thereunder, shall be commenced within three calendar months after the commission thereof.

Time
limitation
for
prosecution.

Recovery
of penalties.

44. All penalties imposed by this Act may be recovered summarily before any two Justices of the Peace or a Resident Magistrate, who, in default of payment thereof, may award imprisonment with or without hard labour for a term not exceeding three months.

PART II. *Jamaica Parishes Water Supply Loans*

Interpreta-
tion of
terms.

45. In this Part—

“Parish Council” and “Council” shall be held to include the Kingston and Saint Andrew Corporation;

“Parish” shall be held to include the “Rural Wards” of the Corporate Area of Kingston and Saint Andrew.

Parish
Council of
any parish
may make
loans to
persons in
possession
of land.

46. The Parish Council of any parish of the Island (hereinafter called the Council) may from time to time, out of moneys standing to the credit of the General Fund of that parish make for the purposes of this Part loans to persons in possession of any land in that parish, the repayment of such advances being secured in the manner hereinafter provided, and in such further manner (if any) as the Council, or any person or persons deputed by the Council may in any case approve :

Provided that such loans shall not exceed in the aggregate in any one year the sum of three thousand dollars and shall in no individual case exceed the sum of one hundred dollars.

Application
of Part II.

47. This Part shall not apply to any parish unless and until the Parish Council of such parish has by resolution signified its adoption of the provisions of this Part, and the Minister has approved of the said resolution.

Form of
receipt.
Rights and
powers

48.—(1) The form of receipt contained in the First Schedule, when signed by any person to whom an advance

may be made on account of the loan therein mentioned, shall confer on the Council the following rights and powers—

which shall be conferred on Council on receipt being signed. First Schedule.

- (a) In respect of all advances that may be made, not exceeding the total amount of the loan mentioned in such receipt, and any expenses incurred by the Council in connection with, or arising out of the said loan, a preferential charge upon all crops that may be grown on the land specified in the said receipt, until repayment in full of such advances and expenses.
- (b) A charge on such land in respect of such advances and expenses, subject to any mortgages existing thereon, and recorded or registered, or in respect of which a caveat has been entered at the date of such receipt, or of which the Council shall have received notice in writing, prior to the making of the first advance on account of the loan.
- (c) All the rights and powers conferred on lenders under the terms of the Agricultural Loans Act, and any enactment amending the same save that such rights and powers shall extend to all crops grown on the said land, until repayment in full of the advances and expenses as aforesaid.
- (d) A power, after ninety days' notice to the borrower, to sell the interest of the borrower in the said land, on default being made in repayment of the said advances, or any part thereof respectively, at the time and in the manner specified in the said receipt.

(2) A document in the form specified in the Second Schedule, signed by the Secretary of the Council, shall be sufficient to confer title on any purchaser, and no such purchaser shall be concerned to see or enquire whether such

Second Schedule.

sale is properly made, or whether any such notice has been given.

Implied
covenants
with
Council.

49. In such form of receipt, there shall be implied on the part of the borrower, the following covenants with the Council, that is to say—

- (a) To expend the said loan on constructing or repairing a tank for the storage of water or sinking or repairing a well on the land specified in the said receipt, of the dimensions and materials and according to plans and specifications, to be approved by the Council and not otherwise. The expression "tank" shall include the catchment and other appurtenances to the tank.
- (b) To repay the said loan at the times mentioned in the said receipt, and to pay all expenses incurred by the Council in connection with, or arising out of the said loan.
- (c) To produce at such intervals as may be required by any person authorized in writing by the Council, an account showing the expenditure of the moneys advanced from time to time, vouched on oath, or by affirmation, or in such other manner as may be required by such person.

Implied
covenants
binding on
occupier of
land.

50. In such form of receipt there shall be implied the covenants with the Council in this section specified, which shall be binding on the occupier of the land for the time being, in the same manner as if such occupier had signed such receipt, and on the borrower in addition to the covenants mentioned in section 49.

The said covenants are as follows—

- (a) Out of the crops and proceeds of the said land to repay the said loan, at the times mentioned in the

said receipt, and to pay all expenses incurred by the Council in connection with, or arising out of the same.

- (b) To allow inspection of the land specified in the said receipt, and of the cultivation thereon at all times, by any person authorized in writing by the Council.
- (c) At all times, whilst any portion of the loan mentioned in such receipt remains unpaid, to uphold and maintain the cultivation on the lands thereby charged in good order and condition, and to see that the security is not deteriorated in value.

51. Receipts for all advances on account of a loan subsequent to the first advance, need not be recorded or registered, and may be in the form specified in the Third Schedule.

Receipts for
advances.

Third
Schedule.

52. Any person who obtains an advance under this Part, by means of any false representation, any person to whom an advance is made under this Part whether in money or building materials who wilfully applies the money or materials so advanced to any other use or purpose than the construction or repairing, on the lands described in the said receipt, of a tank for the storage of water or sinking or repairing a well of such dimensions, materials and construction as the Council shall approve, any person making any false oath or affirmation and any person who having obtained an advance whether in money or building materials under this Part, or who, being the occupier of any land mentioned in any receipts under this Part, afterwards sells or disposes of, or converts to his own use, or wilfully destroys any of the crops or products, the subject of the charge created under this Part, without the consent in writing of the Council or person deputed by the Council, shall be guilty of a misdemeanour, and being convicted thereof in any

Offences.

Court of Record in this Island, shall be imprisoned, with or without hard labour, for a term not exceeding one year:

Provided that no prosecution of any such offence shall be begun or proceeded with, after the secured advances and expenses shall have been satisfied.

Expenses.

53. It shall be lawful for the Council, with the approval of the Minister, to advance to any person or persons appointed by the Board to carry out the purposes of this Part, or to pay to the order of such person or persons any expenses that may be incurred in the carrying out of this Part under the authority of the Council.

Receipts in the form in First Schedule to be in duplicate.

54. All receipts in the form in the First Schedule shall be in duplicate, and one copy thereof shall within one month of execution, be lodged and kept in the Record Office, and indexed as a mortgage affecting the land mentioned in such receipt, or in the case of lands under the operation of the Registration of Titles Act, one copy of such receipt shall be lodged with the Registrar of Titles, and he shall register the same as a mortgage under the said Act.

Exemption from fees and stamp duty.

55. All documents executed under this Part shall be exempt from all fees and stamp duty.

Council may direct that loan or instalment thereof be made by supplying borrower with building materials.

56. It shall be lawful for the Council to direct that any loan or any instalment thereof shall be made by supplying the borrower with building materials suitable for the construction or repairing of a tank or for sinking or repairing a well and equal in value to the amount of the loan or any instalment thereof as the case may be and on the delivery to the borrower of such building materials the amount of loan or any instalment thereof as the case may be represented by such materials shall be deemed to have been paid to the borrower and the decision of the Council as to the value of such building materials shall be final and binding.

57. All moneys owing to the Council, whether for instalments of a loan or otherwise, shall be paid to the Collector of Taxes of the parish at his office, and payment may, without prejudice to any other remedies be enforced under the provisions of the Tax Collection Act, and any enactment amending the same, as if the person liable to pay the said amounts had made a return thereof under the said Act and had failed therewith to pay the same.

Moneys owing to Council shall be paid to Collector of Taxes of parish.

PART III. *Miscellaneous Provisions*

58. It shall be lawful for the Chief Technical Director on behalf and by direction of the Government to take charge of and administer any system of water supply constructed by or on behalf of any Parish Council, whenever such Council has requested the Government so to do, and the Minister has approved of the request being complied with.

Chief Technical Director may take over water works.

59. The Minister may make all necessary arrangements for taking charge of and administering such water works and may make rules and regulations for carrying out such arrangements and generally for giving full effect to the purposes of sections 58 to 63. He may attach penalties of four dollars for each breach of such rules and regulations, which may be recovered summarily.

Minister may make arrangements for charge and administration of water works.

60. During such time as any water works shall under sections 58 to 63, be in the possession and under the control and subject to the management of the Chief Technical Director, all powers of the Parish Council over and in respect of such water works and all revenue in connection therewith shall be transferred to the Chief Technical Director who is hereby authorized to do whatsoever by Part I or by any enactment amending the same or incorporated therewith, a Parish Council is authorized to do.

Transfer of powers to Chief Technical Director.

Re-transfer
of water
works.

61. So soon as the position of any water works, the management of which has been assumed by the Government, is in the opinion of the Minister such as to justify and call for its re-transfer to the Parish Council to which it belongs, he shall cause notice to be given to this effect by advertisement in the *Gazette*, and from a date to be specified in such notice the powers of the Chief Technical Director under sections 58 to 63 in respect of such water works shall cease, and the powers of the Parish Council which were temporarily suspended shall forthwith revive and be once more in full force and effect.

Legal
proceed-
ings.
68/1958
S. 33.

62.** All legal proceedings in connection with water works of which the management has been assumed by the Government under sections 58 to 63, may be taken by and in the name of or against the Chief Technical Director.

Chief
Technical
Director
exempt
from
personal
responsibi-
lity.

68/1958
S. 33.

63. The Chief Technical Director shall be exempt from personal responsibility for anything done, suffered, or omitted in the exercise of the powers given by sections 58 to 63,* and all damages and costs which shall or may be recovered against the Chief Technical Director in any action or suit for anything done, suffered, or omitted in the exercise of the powers given by sections 58 to 63 shall be paid out of the revenues of the water supply under his control in respect of which the liability arose.

**This section is repealed by section 32 of the Crown Proceedings Act, insofar as it affects proceedings by or against the Crown or any officer of the Crown as defined in that Act.

*The words "and all damages.....arose" following the asterisk are repealed by section 32 of the Crown Proceedings Act, insofar as they affect proceedings by or against the Crown or any officer of the Crown as defined in that Act.

FIRST SCHEDULE

(Section 48 (1))

THE PARISHES WATER SUPPLY ACT

Received from the Parish Council of the parish of
 the sum of \$ _____ on account of a loan of \$ _____
 to be made to me under the terms of the Parishes Water Supply
 Act, in respect of all that piece or parcel of land

(here describe land)

The loan to be made in _____ instalments, the receipt of
 each instalment being dependent on my satisfying the said Council or
 any person authorized by such Council in writing that the previous
 instalment has been duly expended on the construction, or repairing,
 on the said land of a tank for the storage of water or on sinking or
 repairing a well on the said land of such materials, dimensions and
 construction as may be approved by the Council. The said loan to be
 repayable in seven annual instalments with interest at the rate of
 _____ per cent, per annum (see note "a" post), the first of such
 instalments to be paid on the _____ day of _____ 19 _____.

If default shall be made in the payment of any instalment or of any
 interest, the whole principal sum then unpaid shall become immediately
 payable without further demand.

I fully understand that the signing of this receipt makes me liable
 to the covenants set out in the Parishes Water Supply Act, and
 confers on the Parish Council of the parish of _____
 the rights and powers specified in the said Act and in the Agricultural
 Loans Act.

I further fully understand that instead of receiving the balance of
 the sum of \$ _____ hereinbefore-mentioned or any
 instalment thereof, I may be supplied with building materials of a value
 to be determined by the said Council, and that the supply of such
 materials will be for the purposes of the Parishes Water Supply Act
 a payment in money to the amount of the value of such materials
 determined as aforesaid.

Dated this _____ day of _____, 19 _____.

X.Y., of

Witness

(a) If no interest is to be charged, the foregoing words should be struck out
 and should be replaced by the words "without interest".

PARISHES WATER SUPPLY

SECOND SCHEDULE (Section 48 (2))

THE PARISHES WATER SUPPLY ACT

I, *A.B.* Secretary of the Parish Council of the
 parish of _____ in pursuance of the powers conferred
 on me under the above-mentioned Act, do hereby in consideration
 of the sum of _____ paid to me by *C.D.*
 of _____ sell and transfer all and every the estate and
 interest of _____ (*borrower*), of
 a person to whom advances have been made under the said Act of
 and in _____ (*here describe property*)
 to the said *C.D.*

Dated this _____ day of _____, 19____
A.B.

Secretary of the Parish Council for

THIRD SCHEDULE (Section 51)

THE PARISHES WATER SUPPLY ACT

Received from the Secretary of the Parish Council of the parish of _____
 the sum of \$ _____ being the
 instalment on account of the loan mentioned in
 my receipt dated the _____ day of _____
 Dated this _____ day of _____, 19____
X.Y., of _____

Witness

FOURTH SCHEDULE

(Section 17)

PARISHES IN RELATION TO WHICH RATES ARE BASED ON
UNIMPROVED VALUES

Saint Catherine	27/1959
Saint Ann	S. 4.
Portland	L.N.
Saint Mary	27/1962
Saint Thomas	L.N.
Trelawny	90/1965
Saint Elizabeth	
Clarendon	L.N.
Manchester	110/1973
Westmoreland.	

FIFTH SCHEDULE

(Section 17)

MODIFICATIONS OF SECTION 16 IN RELATION TO
PARISHES LISTED IN FOURTH SCHEDULE

27/1959
S. 4.

1. For the words "every twenty dollars or fractional part thereof of the value of the property" substitute the words "every two dollars of the unimproved value of the property (that is to say the unimproved value of land within the meaning of the Land Valuation Act)".
2. For the word "value" wherever it appears in the section substitute the words "unimproved value".
3. For the words "The value of any property under the value of eighty dollars shall be taken to be forty dollars" substitute the words "Where pursuant to an order made by the Minister under subsection (2) of section 6 of the Land Valuation Act, it is not necessary to determine the unimproved value of any land of estimated low unimproved value, the unimproved value of such land shall be taken to be one hundred dollars".