

**CHAPTER 543**

**BATTICALOA WATERWORKS**

*Ordinances*  
Nos. 6 of 1925,  
17 of 1945.

AN ORDINANCE TO DECLARE THE BATTICALOA WATERWORKS TO BE VESTED IN THE  
CEYLON GOVERNMENT.

[1st February. 1926.]

Preamble. Whereas an arrangement for the construction of waterworks at a total cost of one hundred and forty-six thousand rupees for the use of the Local Board town of Batticaloa was made in the year nineteen hundred and fourteen between the Government and the Local Board of Batticaloa:

liability for payment of interest and sinking fund on the loan aforesaid :

And whereas it is desirable to make fit and proper provision with a view to removing any doubts as to the respective rights and duties of the Government and of the said Local Board in the premises ;

And whereas it was a term of the said arrangement that the Government should contribute the sum of eighty-four thousand rupees towards the cost of construction and that the balance was to be met by the Local Board out of a loan of sixty-two thousand rupees to be made to the said Board by the Government and to be repaid by a sinking fund at the rate of two and half per centum per annum together with interest at the rate of three and half per centum per annum :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the **Batticaloa Waterworks Ordinance.** Short title.

2. (1) The waterworks, hereinbefore referred to, constructed by the Government for the use of the Local Board town of Batticaloa and the land on which the said works stand shall belong to and be vested in the Government, and all tanks, reservoirs, cisterns, fountains, wells, aqueducts, conduits, tunnels, pipes, pumps, or other waterworks existing at the commencement of this Ordinance, or afterwards made, laid, or erected, and whether made, laid, or erected at the cost of the Government or otherwise, and all rights, servitudes, bridges, buildings, engines, works, materials, and things connected therewith or appertaining thereto, shall be vested in the Government. Vesting of Batticaloa waterworks in Ceylon Government.

And whereas the said waterworks were duly constructed by the Government and were handed over to the said Local Board as from the 31st day of March, 1917 :

(2) The Government shall have the right of breaking open the soil at any place, including the right of digging up and opening any street, road, or lane, for the purpose of constructing, laying, altering, or repairing any part of the said waterworks:

And whereas in the year nineteen hundred and eighteen by agreement with the Government the said Local Board handed over the property in, and the management and control over, the said works to the Government on the terms that the Government should provide such a water supply for the use of the said town as circumstances would permit and that the proceeds of the water-rate to be levied by the Local Board under the provisions of section 44 of the Local Boards' Ordinance, 1898,\* should be paid by the said Local Board to the Government and that the Local Board should be relieved of the

Provided that the Government shall with all convenient speed, after such work has been completed, restore the ground broken open to its former condition.

\*Repealed by Act No. 54 of 1949.

Duty of Government to supply water within Local Board limits.

3. (1) Subject to the performance by the said Local Board of the obligations undertaken by, or imposed on, them under this Ordinance, the Government shall provide a supply of drinking water within the Local Board town of Batticaloa, and shall for that purpose cause such pipes to be laid, and such tanks, reservoirs, or other works to be made, as are necessary for the supply of wholesome water in the public streets of the Local Board town of Batticaloa, and shall erect in such streets convenient stand-pipes, fountains, open reservoirs or pumps for the gratuitous use of the inhabitants of the said Local Board town of Batticaloa for domestic purposes. It shall also, subject to the performance of the obligations of the said Local Board hereinbefore mentioned, be the duty of the Government, as far as possible, to make adequate provision that such supply of water shall be continuous throughout the year, and that the water supplied shall be at all times fit for human consumption.

(2) A supply of water for domestic purposes shall not include a supply of water for horses or cattle or for washing vehicles, where such horses, cattle, or vehicles are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains or swimming baths, or for any ornamental or mechanical purpose, or for purposes of irrigation.

(3) The Government may supply water for other than domestic purposes, or allow a private service of water to any house for domestic purposes, in such quantities and upon such terms and conditions as may be agreed upon between it and the persons desirous of being so supplied.

4. (1) As a contribution to the cost and maintenance of the said waterworks, the said Local Board agrees, and it is hereby empowered, to impose, annually, a water-rate on the annual value, ascertained in the manner provided by section 30 of the Local Boards' Ordinance, 1898,\* of all houses, buildings, lands, and tenements within the limits of the Local Board town of Batticaloa. Such rates shall be imposed on or before the thirty-first day of December in each year, or on such other date as may be fixed by agreement between the Government and the said Local Board.

\* Repealed by Act No. 54 of 1949.

(2) The amount of such water-rate shall be fixed, from time to time, by the Minister with the concurrence of the Minister of Finance, but shall in no case exceed six *per centum* on such annual value as aforesaid, and shall be paid and recovered in the same manner as the police tax is directed to be paid and recovered under the Police Ordinance, as amended by any subsequent enactment, and shall be subject in all respects to the provisions of that Ordinance as amended as aforesaid relating to the payment and recovery of such police tax. The Government Agent of the Eastern Province shall collect and recover such rate, and shall pay it into the Treasury.

(3) And it is hereby declared and agreed that in consideration of, and subject to the performance of their obligations under, the agreement above set forth, the said Local Board shall be relieved from all and every liability to repay to the said Government the loan of sixty-two thousand rupees hereinbefore recited, or any part thereof, or to pay any interest, or make any contribution towards any sinking fund, in respect of the said loan.

5. (1) The Minister may by notification in the Gazette, exempt either wholly or partially from the said water-rate any premises which, in his opinion, are not sufficiently supplied with water from such waterworks, and may from time to time revoke such exemption.

Exemption from payment of water-rate.

(2) There shall be exempt from the water-rate imposed under this Ordinance—

- (a) all lands or buildings wholly or mainly used for religious, educational, or charitable purposes;
- (b) all buildings in charge of military sentries; and
- (c) all burial and cremation grounds.

6. In the event of the said Local Board refusing, neglecting, or failing to impose a water-rate as hereinbefore provided, it shall be lawful for the Minister to impose such water-rate and to empower the Government Agent of the Eastern Province to collect and recover the water-rate in the manner and subject to the same conditions as if such water-rate had been duly imposed by the said Local Board.

Procedure on failure of Local Board to impose water-rate.

Imposition of water-rate and relief of Board from repayment of loan.

Regulations.

7. (1) The Minister may make all such regulations as may appear to him to be necessary for the purposes of the preservation and maintenance of the said waterworks, the supervision of the supply of water and the control of the use of the water supplied from the waterworks, and the recovery of charges for the supply of water in the cases referred to in section 3 (3); and without prejudice to the generality of the powers conferred by the preceding provisions of this subsection, regulations may be made for or in respect of all or any of the following matters ;—

- (a) the prevention of waste, misuse, undue consumption, or contamination of the water supplied for public or private use ;
- (b) the size, nature, strength, and materials, and the mode of arrangement, position, alteration, removal, renewal, and repair of the pipes, valves, cocks, cisterns, soil pans, water-closets, and other apparatus and receptacles to be used respectively for carrying, delivering, regulating, and storing water;
- (c) the control of the public supply of water by stand-pipes, and the use of such water;
- (d) the control of the supply of water by private services, and the materials and fittings to be used for the purpose;
- (e) the control of the supply of water by measurement, and the materials, meters, appliances and fittings to be used for the purpose or in connexion therewith;
- (f) the terms and conditions subject to which water will be supplied for other than domestic purposes or to a house by a private service, and the price to be paid for the water so supplied; and
- (g) the recovery of charges due in respect of any water so supplied in the same manner as a fine.

(2) No regulation made under subsection (1) shall have effect until it has been approved by Parliament; nor -until notification of such approval has been published in the Gazette.

(3) Every regulation made under subsection (1) shall upon publication of the notification of the approval of that regulation as provided for in subsection (2), be as valid and effectual as if it were herein enacted.

8. Every person who contravenes any regulation made under section 7 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty rupees, and shall, in the case of a continuing offence, be liable to an additional fine not exceeding twenty-five rupees for every day during which the offence is continued after conviction or after service of a written notice from the Chairman of the Batticaloa Urban Council directing attention to such offence.

Penalty for contravention of regulations.

9. The obligations under this Ordinance imposed on, or undertaken by, the said Local Board shall be transferred to and carried out by any successor of the Board constituted under any enactment for the time being in force relating to the establishment of any local authority, for the purposes of Local Government; and for the purposes of the application of the preceding provisions of this Ordinance to such successor—

Obligations of Board to be carried out by successor.

- (a) the references in section 4 to the annual value ascertained in the manner provided by section 30 of the Local Boards' Ordinance, 1898,\* shall be construed as references to the annual value ascertained for the purposes of any rate imposed by such successor;
- (b) the references in section 4 to the manner of payment and recovery prescribed by the Police Ordinance shall be construed as references to the manner of collection and recovery of any rate by such successor; and
- (c) the reference in section 4 to the Government Agent of the Eastern Province shall be construed as a reference to such successor.