

TRINIDAD AND TOBAGO.

No. 14.—1898.

4th July.

AN ORDINANCE to authorize and regulate the construction and maintenance of Waterworks in various towns and districts in the Colony other than Port-of-Spain.

*Repealed by
1899
Ord. 16 - 27*

[L.S.]

C. C. KNOLLYS,

ACTING GOVERNOR.

14th July, 1898.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as "The District Short title. Waterworks Ordinance, 1898" (and subject as to the existing Waterworks at San Fernando to the provisions of the San Fernando Waterworks relief and transfer Ordinance, 1894), shall apply to all Waterworks in the Colony existing or hereafter to be constructed other than the Port-of-Spain Waterworks and any extension or addition thereto that has already been or may hereafter be authorized.

Interpretation. 2. The term "premises" includes a house, store, warehouse, shop and every other building, a yard whether open or enclosed, and every other piece or parcel of land.

"Waterworks" means and includes the reservoirs, dams, aqueducts, engines, turbines, mains, pipes, cocks, tanks, fountains, dippers and all buildings and appliances used for the supply of water under this Ordinance.

"Watercourse" means any lake, pond, spring, river, stream, reservoir, aqueduct or pipe from, through, to or along or by which water is conducted and supplied to or from the Waterworks.

"Domestic purpose" means any purpose incident to the occupation of premises not including supply for cattle other than domestic stock or for horses and for washing carriages in cases in which such horses or carriages are kept for sale or hire or by a common carrier, and not including any supply for any trade, manufacture, or business on the premises or for watering gardens or for fountains or for any ornamental purpose.

"Wayleave" means a right to the user of land for the laying of pipes and mains together with the right of opening such land from time to time for the inspection and renewal or repair thereof, without affecting the property in such land.

**Provisional
Order to be
laid before
Council.**

3. It shall be lawful for the Governor from time to time to cause to be laid before the Legislative Council for approval by resolution of such Council a Provisional Order that Waterworks be constructed for the supply of any district in the Colony in and by such order to be defined, other than the district supplied by the Port-of-Spain Waterworks.

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4. In and by each such order there may be defined Matters to be defined by Provisional Order
in the case of each such district:—

- (a.) The sources from which water shall be supplied;
- (b.) The cost of the works to be constructed and supplied therein;
- (c.) The capital loan or other advance to be authorized for the construction;
- (d.) The constitution and mode of appointment of the authority hereinafter called the Maintenance Authority in each such district in whom the Waterworks when constructed shall vest and which shall be charged with the custody, upkeep, repair, and maintenance thereof when completed;
- (e.) The time and conditions of such vesting and the incorporation or other constitution of such authority when constituted;
- (f.) The constitution and mode of appointment of the authority hereinafter called the Rating Authority which shall be empowered to assess and levy the rates to be imposed on the district and on the consumers of water therein respectively: Provided always that one and the same body may by such order be constituted Maintenance Authority and Rating Authority;
- (g.) The method and times of repayment of the capital sum to be expended in such construction and of the interest thereon;

- (h.) The rate of interest to be calculated for in determining the amount of annual repayment and the period over which and the instalments by which such repayment shall be effected ;
- (i.) Any special conditions or directions with respect to the construction, maintenance, assessment, rating, and payment and the vesting of the property as it may appear necessary to specify and direct ;
- (j.) As to the mode of applying for water supply, the rates at which water shall be supplied, the prices to be paid for work done for applicants and customers, the conduct of officers and other persons employed by the Maintenance Authority ; and,
- (k.) Any other regulations respecting the matters mentioned in this Ordinance which it may be deemed desirable to insert in such order. Provided nothing in any such Order be repugnant to any of the provisions hereof.

Amendment
of Provisional
Order.

5. Each such Order may subject to the provisions hereof be amended or added to from time to time in respect of any of the matters aforesaid by subsequent like order similarly to be laid before the Legislative Council.

6. Any such order may with such omissions or modifications as are necessary be made applicable to any Waterworks planned or commenced or in partial operation before the date thereof whether anterior or subsequent to the passing of this Ordinance, other than the Port-of-Spain Waterworks.

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7. Each such Provisional Order shall become binding and have the force of law by resolution of such Council, and shall thereupon be proclaimed and shall thenceforth be judicially noticed throughout the Colony and shall have binding effect in respect of the several matters thereby prescribed in the same manner in all respects as if the provisions thereof had been incorporated herein.

Provisional
Order to have
force of law.

8. The Legislative Council shall have power to sanction or to reject any such Provisional Order, and with the assent of the Governor but not otherwise to amend or add to the same.

Council may
amend or
reject Provi-
sional Order.

9. It shall be lawful for the Governor at any time after such Provisional Order as aforesaid has become law to authorize the Director of Public Works or the Maintenance Authority to proceed, and such Director or Authority shall thereupon proceed with the construction and provision of Waterworks according to such order, and all land, streams, springs, riparian and other water rights, water courses, way-leaves, easements and other interests in land necessary for the construction in the district of the works authorized by such order may be acquired by the Director of Public Works under the provisions of the "Land Acquisition Ordinance, 1898," and for such purpose the Provisional Order shall be deemed to be the appropriation of moneys towards public works within the meaning of Section 3 of such Ordinance.

Construction
of works.

10. The Receiver-General may from time to time on the warrant of the Governor issue and pay from the Colonial Treasury such sums of money not exceeding

Payment of
cost of works.

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on the whole the sum specified in the order as may be required for the completion of the works in the district.

Loans may be raised for constructing works.

11. Any capital to be raised by loan for the purpose of construction of any Waterworks authorized by such order may from time to time be raised by the Governor with the assent of the Legislative Council in each case, provided that the capital of every such loan shall be made repayable by annual instalments spread over not more than fifty years from the contracting thereof out of rates to be imposed under the provisions hereof.

Upkeep of works under control of the Government.

12. In the event of the order constituting the Warden or any Government Officer the Maintenance Authority the Receiver-General may from time to time on the warrant of the Governor issue and pay to such authority from the Colonial Treasury such sums of money as shall be provided in the estimates for any order for the necessary upkeep and repair of the Waterworks within the district.

Upkeep of works under control of Municipal or Local Authority.

13. In the event of any Borough Council or any other Municipal or Local Authority other than the Warden or a Government Officer being constituted the Maintenance Authority then the Rating Authority shall from time to time provide out of rates the moneys requisite in any year for the necessary upkeep and repair of the Waterworks within the district.

General district water rate to be levied.

14. The Rating Authority shall levy within the district in every case a general district water rate, on all land within the district and a water supply rate or rents according to the rate of charge authorized by the Provisional Order, on all premises within the district supplied with water from the Waterworks.

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15. The general district water rate shall be declared collected and levied from the time of the completion of the works authorized by the order and from and rateably upon all premises within the district, and shall not exceed such percentage or poundage on the assessed rent or value of such premises according to the assessment roll of the Ward in the case of districts not within a Borough and according to the house assessment in places within a Borough as shall be prescribed by such order; and may where the Warden is the Rating Authority be collected together with the Ward rates, and where the Town Council of any Borough is the authority, be collected together with the Borough rate, but shall in each case be carried to a separate account and be accounted for to the Maintenance Authority in all cases where the Maintenance Authority is different from the Rating Authority; and all rights and powers of the Warden or any Rating Authority under Ordinance 28 of 1893, or under any Ordinance giving power for the collection and enforcement of rates for any Borough Council or any Local Authority shall be available to enforce such general district water rate in the same manner as if it had been expressly named in such Ordinance respectively.

General rates
to be carried
to separate
account.

16. The water supply rate shall be levied on all premises to which water is supplied for domestic purposes, and it shall be defined and authorized by the Provisional Order but shall not exceed in any case the following poundage or rate on the annual assessed rent or value, that is to say:—

Water supply
rates.

- (a.) For dwelling houses and yards attached thereto, sixpence in the pound;

- (b.) For warehouses, shops, stores, or buildings no part of which is used as a dwelling house and in which no trade or manufacturing process is carried on requiring the use of water as an ingredient in the preparation of any article or as a means of preparing the same for trade purposes, threepence in the pound ;
- (c.) In other cases, and especially as regards the supply of water for baths of greater cubic capacity than thirty feet of water, for irrigation, ornamental fountains or the watering of gardens, and generally speaking for other than domestic purposes, such rents, charges, and payments as may be sanctioned by the Provisional Order ; and whether by measure or at a stated annual charge as in and by such order in each case authorized.

Recovery of rates.

17. The general district water rate and any water supply rate and any sum due in respect of special supply under the provisions of Sub-section (c.) of Section 16 hereof shall be deemed to be Public Land Charges within the meaning of Ordinance 28 of 1893, and in addition thereto shall be recoverable half-yearly as debts in the District Court or Petty Civil Court of the district within which such Waterworks are situate, by action at the suit of the Rating Authority without regard to limit of amount.

Penalty for improper use of supply.

18. Any occupier of premises within the district rated under Section 16 hereof who shall without the consent of the Maintenance Authority permit to be used the water supplied to such premises for any purpose other than the purposes for which the same is supplied and charged for as in Section 16 hereof provided shall

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be deemed to have committed an offence against this Ordinance in respect of every day during which he shall have been proved to have so used or permitted the same to be used and on conviction thereof before a Stipendiary Justice of the Peace shall be fined a sum not exceeding ten shillings in respect of each such day : and in any one information, summons or hearing for an offence or offences against this Section it shall be competent for any number of consecutive days to be included and evidence given in respect thereof on one and the same prosecution, with respect to the same premises.

19. As part of the Waterworks the Director of Public Works shall erect and the Maintenance Authority shall maintain and keep supplied with water in such places in the district as shall be so directed, fountains or dippers for the public use of the inhabitants of the district, with power from time to time to limit the supply therefrom to such hours as the Maintenance Authority may deem necessary.

Dippers to be maintained.

20. The Director of Public Works shall not be compellable to lay nor the Maintenance Authority to provide surface mains in every street or within reach of every house in the district.

Surface mains. Authorities to have discretion as to laying.

21. The Maintenance Authority may upon the application of any occupier of any premises assessed at the rateable value of Twenty Pounds and over within the district to which water will flow from the mains of the Waterworks and upon such deposit by such occupier as the Maintenance Authority may deem reasonable in respect of the estimated expense of the work cause a surface pipe for the supply of such premises to be laid on to such premises from a main of the Waterworks.

Surface pipes. Conditions as to supply to premises.

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Such pipe shall not without special authorization approved by the Director of Public Works exceed a bore of one-half inch.

Surface pipes.
Cost of laying
to be borne by
applicants.

22. The cost of laying such pipe shall be paid by the person requiring the same to be laid, and wayleave and any other permission to lay the same along or through any premises intervening between the mains and such premises shall be obtained by or at the expense of the person applying.

Supply of
water by meter
measurement.

23. The Maintenance Authority in supplying water by measure for any of the purposes mentioned in Section 16 hereof may require the person requiring such water to pay for the same by meter measurement, and may supply meters, charging such rent for the same as shall be agreed upon, or in default of agreement be settled by the Director of Public Works; such rent to be payable half-yearly in advance and to be recoverable with and as part of the water rate for the supply of water.

Fouling the
Waterworks.

24. Every person who—

- (1.) Bathes in any part of the Waterworks or in any watercourse;
- (2.) Drives or permits or suffers any animal to be driven or to enter into the Waterworks or into any watercourse;
- (3.) Washes in or throws into or causes or suffers to be washed in or thrown into the Waterworks or into any watercourse any animal;
- (4.) Washes in or throws into the Waterworks or into any watercourse any dead animal or any part of any dead animal;

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(5.) Puts or throws or causes or suffers to be put or thrown into the Waterworks or into any watercourse any rubbish, dirt, filth or any foul, offensive or noisome matter whether solid or liquid ;

(6.) Washes or cleanses or suffers or causes to be washed or cleansed in the Waterworks or in any watercourse any cloth, wool, leather or skin of any animal or any clothes ;

(7.) Causes or suffers the water from any sink, sewer, drain, steam engine or boiler or any foul or filthy water being and lying upon any land or premises of which he is the owner or which is under his management and control or under the management and control of his servants or agents to run or flow into the Waterworks or into any watercourse ;

(8.) Negligently or improperly moves or injures any main or other pipe of the Waterworks or obstructs the same ; or

(9.) Does or commits any other thing or act whatsoever whereby any water flowing to or from the Waterworks is fouled or polluted, or the flow thereof impeded or interrupted,

shall be guilty of an offence against this Ordinance, and on conviction thereof before any Stipendiary Justice of the Peace shall for every such offence forfeit and pay a penalty not exceeding Five Pounds, and a further penalty of One Pound for each day after the first that the offence is continued, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding three months.

In proving interference with the due flow of the Waterworks or of any watercourse or the pollution thereof evidence may be given of repeated acts which together cause such interference or pollution, although each act taken by itself may not be sufficient for that purpose.

Power of entry
to inspect.

25. It shall be lawful for the Director of Public Works or for the Maintenance Authority or any person authorized by the Director of Public Works or by such authority respectively, together with any Assistants to enter into and upon and inspect any lands or premises adjacent to or in the neighbourhood of the Waterworks, or of any lake, pond, spring, river, stream, reservoir, aqueduct or other watercourse from, to, through or along or by which water is conducted and supplied to or from the Waterworks, or which contributes to any public water supply, and to erect without permission and from time to time to inspect, repair, replace or remove any gauge or other measuring instrument and any level mark or other appliance that he or they shall deem requisite.

Power to enter
premises.

26. The Maintenance Authority may, between the hours of nine of the clock in the morning and five of the clock in the afternoon, enter into any premises supplied with water from the Waterworks in order to examine and see if there be any waste of such water. And if such person acting as aforesaid is refused admittance into such premises, or prevented from making such examination, the Maintenance Authority may cut off the water supplied to such premises.

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27. The Maintenance Authority may repair any cistern, pipe, ball-cock, flow-cock or stop-cock which is out of repair, and the expenses of such repair shall be repaid to him by the person allowing the same to be out of repair, and in case of non-payment may be recovered together with and in the same manner as a rate.

Power of
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28. If any person supplied with water wrongfully does or permits to be done anything in contravention of any of the provisions of this Ordinance, or wrongfully fails to do anything which under any of those provisions ought to be done for the prevention of the waste or contamination of the water, the Director of Public Works or the Maintenance Authority may, without prejudice to any other remedy in respect of any such act, neglect or default, cut off any of the pipes by which the water is supplied, and cease to supply water so long as the cause of injury remains or is not remedied.

Power to cut
off water in
case of waste.

29. If any person shall assault or molest or hinder or obstruct the Director of Public Works or any Warden or any person authorized by such Director of Public Works or Warden or Maintenance Authority making or attempting to make any such entry or inspection, every such person shall be guilty of an offence against this Ordinance, and on conviction thereof before any Stipendiary Justice of the Peace shall for every such offence pay a penalty not exceeding Ten Pounds, and in default of payment shall be imprisoned either with or without hard labour for any term not exceeding six months.

Assault and
obstruction.

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30. All acts or defaults in respect of which a penalty is imposed by this Ordinance and all breaches of any Regulations made in pursuance of the provisions of this Ordinance shall constitute and be deemed offences

Procedure.

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against this Ordinance, and shall be punishable on summary conviction, and the penalties may be recovered accordingly.

31. The provisions of the Ordinance 47—1895, intitled "An Ordinance to consolidate and amend the Laws relating to Procedure in respect of offences punishable on Summary Conviction" or the provisions of any future Ordinance respecting the Summary Administration of Justice shall, so far as the same are applicable, apply to proceedings under this Ordinance before a Stipendiary Justice of the Peace.

Protection of
Officers.

32. All actions and prosecutions to be commenced against the Director of Public Works or any Warden or any person authorized by them for anything done in pursuance of this Ordinance or in the discharge of their duties under this Ordinance shall be commenced within three months after the act committed and not otherwise.

Notice in writing of such action and of the cause or causes thereof shall be given to the defendant one month at least before the commencement of the action.

In any such action the defendant may plead the general issue and give this Ordinance and the special matter in evidence in any trial to be had thereupon.

No plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court by or on behalf of the defendant after such action brought.

Passed in Council this Fourth day of July, in the year of Our Lord one thousand eight hundred and ninety-eight.

S. W. KNAGGS,
Clerk of the Council.