

TRINIDAD AND TOBAGO.

Port-of-Spain Waterworks.

B. R.G. 1904
1693.

No. 13.—1904.

8th August.

AN ORDINANCE relating to the Port-of-Spain Water Works.

[L.S.]

H. M. JACKSON,

GOVERNOR.

29th September, 1904.

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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 Port-of-Spain Short title. Waterworks Ordinance, 1904.

2. In this Ordinance or in any Bye-laws or Regulations made hereunder, unless there be something repugnant to or inconsistent with such words and expressions, the following words and expressions shall have or shall include the following meanings, that is to say :—

“Waterworks” means all reservoirs, dams, filter-beds, weirs, tanks, wells, cisterns, tunnels, conduits, aqueducts, pipes, fountains, sluices, valves, pumps, steam engines and all other structures and appliances used or constructed for the storage, conveyance, supply, measurement or regulation

of water, which are and shall be so used or have been constructed or are to be constructed by or on behalf of the Engineer of the Water Authority for the supply of water to the Port-of-Spain Waterworks district.

“Water Authority” means the Board of Commissioners constituted under the provisions of Section 3 hereof, and it includes all servants of the Water Authority acting under it in obedience to its instructions in the carrying out of the provisions of this Ordinance and of any Bye-laws or Regulations made thereunder.

“District” means the Port-of-Spain Waterworks district as delineated on the plan prepared by the Director of Public Works, and dated 8th August, 1904, and deposited with the Sub-Intendant of Crown Lands.

“The Engineer” means the Director of Public Works or such other person as may be appointed to construct the Waterworks or any part of them and to superintend the maintenance and repair of the same when constructed, and includes any person acting under the Engineer on behalf of the Water Authority; it also includes the Consulting Engineer appointed by the Governor in Council to advise on questions connected with and relative to the Waterworks.

“Service” means all pipes, valves, cisterns, cocks, fittings and other appliances (excepting any meter as hereinafter defined) by or through which water flows or is intended to flow from the Waterworks, or which are or may be used for the purpose of supplying any tenement or premises with water from the Waterworks, and which service is the property of the owner or occupier of such tenement or premises so far as it lies within such tenement or premises.

“Public Fountain” means any fountain, standpipe, dipper, valve, tap or appliance used or intended to be used for or in connection with the supply of water to the public from the Waterworks and erected or hereafter to be erected by the Water Authority, and which belongs to or is vested in such Authority.

“Meter” means any appliance used to measure, ascertain or regulate the amount of water taken or used from the

Waterworks by means of any service, and any gauge or other appliance used in measuring the flow in or from any part of the Waterworks.

“Owner” means the owner, lessee, occupier, receiver, attorney, agent, manager, guardian or committee or any other person in charge or having control or possession of any tenement or premises in right of the owner or having possession in his or her right or in that of his wife or as guardian of any other person of any tenement or premises.

“Tenement” means any land with or without buildings which is held or occupied as a distinct or separate holding or tenancy whether by lease or otherwise and whether or not the land or buildings are the property of one or more owners.

“Premises” means and includes a house, store, warehouse, shop and every other building, a yard whether open or enclosed and every other piece or parcel of land and any wharf or pier in the waters of the Colony.

“Domestic purposes or domestic use” means and includes water from the Waterworks used for drinking, cooking, washing, for baths not exceeding 200 gallons, water closets and watering gardens where no hose or special tap is used, but shall not include water for watering stock or for washing carriages or for any trade manufacture or business or for fountains or other ornamental purposes.

Provided that the washing of clothes and household linen where no machinery is used shall not be deemed a trade or business within the meaning of this definition

For the purposes of this definition “Stock” shall mean and be limited to horses, mules, donkeys, bulls and cows exceeding two years of age; and “Carriage” shall mean vehicles whether with two or four wheels used solely for the conveyance of persons.

“Way Leave” means a right to the user of land under, through or upon which any Waterworks have been constructed, together with the right of access to and of opening such land from time to time for the inspection, renewal or repair of the Waterworks without affecting the ownership of such land.

“Person” applies to and includes Corporations, Joint Stock Companies, tenants and tenants in common.

“Prescribed” means prescribed under the provisions of this Ordinance or under any Bye-laws or Regulations made under the provisions of this Ordinance.

Constitution
of Authority.

3. The Water Authority shall consist

(a.) Of the persons for the time being acting as
Director of Public Works
Surgeon-General
Chief Commissioner of Port-of-Spain
Receiver-General, and

(b.) Of such other persons being ratepayers under this Ordinance not exceeding five in number as may from time to time be appointed by the Governor, who may remove any of the persons so appointed.

Provided that in the temporary absence of any *ex-officio* Member of the Water Authority, such member may nominate in writing some public servant in his department to act as a member of the Water Authority in his place.

The Chairman of the Board shall from time to time be appointed from among the members thereof by the Governor.

At meetings of the Water Authority five members shall form a quorum for the transaction of business.

Incorporation
of Authority
and vesting of
works.

4. The Water Authority is hereby incorporated and may sue and be sued in its corporate name of “The Port-of-Spain Water Authority.”

The Waterworks shall vest in the said Authority, and the Water Authority shall manage, maintain and supervise the Waterworks and generally shall carry into effect the provisions of this Ordinance.

Provided that the portions of the Waterworks now in the course of construction at Diego Martin and at St. Clair and the Laventille reservoir shall not vest in the Water Authority until the Director of Public Works shall have certified in writing that such portions of the Waterworks and the Laventille reservoir have been completed, whereupon the same shall vest in the Water Authority under the provisions of this Ordinance.

Appointment
of officers and
servants.

5. The Governor shall with the approval of the Legislative Council appoint the Engineer, and the Water Authority shall appoint such competent Officers, servants

and agents as may be necessary for the proper and efficient working of the Waterworks and of this Ordinance, and the Water Authority shall provide for the remuneration from the Water Rates of such Engineer, officers, servants and agents.

Provided that the Engineer shall be solely responsible to the Water Authority for the construction, proper superintendence and maintenance and repair of the Waterworks at the cost of the Water Authority, but the Engineer shall not, except in the case of accident or of unforeseen damage to the Waterworks, have any authority to expend any sums of money belonging to the Water Authority unless such sums have been regularly voted by the Water Authority under the provisions of this Ordinance.

6. The Water Authority shall be responsible for all sums advanced and to be advanced by the Receiver-General from Loan Funds raised under the Railway Extension and Public Works Loan Ordinances 1894—96, and the Public Works Loan Ordinance 1902, on the warrant of the Governor for the purpose of the construction of new Waterworks and for the improvement and repair of the existing Waterworks; and all such sums shall be repaid to the Receiver-General by the Water Authority in forty-two (42) yearly instalments of principal and interest thereon computed at £4 11 8 per centum commencing from a date to be determined by the Governor in Council. The interest at a rate of $3\frac{1}{2}$ per cent. on the sums expended from such Loan Funds prior to the collection of Water rates under this Ordinance shall be added to the capital cost of the Waterworks and shall be repaid in instalments as hereinbefore prescribed.

Authority responsible for moneys advanced.

On the completion of the Waterworks now in course of construction at Diego Martin and at St. Clair and the Laven-
tille Reservoir, any unexpended balance from Loan Funds which may be in the hands of the Receiver-General shall be paid to the Water Authority on the warrant of the Governor and shall be applied for the purposes of construction improvement and repair of the Waterworks.

Uncompleted works.

7. The district may be extended or varied with the concurrence of the Water Authority from time to time by the Governor with the approval of the Legislative Council. A

Alteration of limits of district.

plan shewing the limits of such extension or variation prepared by the Water Authority shall be deposited with the Sub-Intendant of Crown Lands.

Extension or
alteration of
Waterworks.

8. The Water Authority may from time to time alter or amend the Waterworks or may construct additional Waterworks for increasing or improving the water supply of the district, and may provide funds for such works by loan or otherwise.

Provided that before such works are undertaken the Water Authority shall submit plans and estimates to and shall obtain the approval of the Governor and Legislative Council to the plans and estimates and to the provisions necessary to be made to obtain funds for such works. And the Governor with the approval of the Legislative Council may alter, amend or modify such plans and estimates and such provisions for obtaining funds as he shall deem fit and proper before issuing his sanction as aforesaid.

Acquisition of
land.

9. The Water Authority may from time to time acquire under the provisions of the Land Acquisition Ordinance 1898, or any Ordinance which may for the time being be in force in place thereof, any land, water or water rights, way-leaves and easements that may be required for the purpose of carrying out the provisions of this Ordinance.

Private water
rights.

10. The Water Authority shall have power and may acquire all rights, privileges and easements conferred upon owners under the Ordinances Nos. 18 of 1851 and 25 of 1855, in respect of any free supply of water to any tenement or premises: and the Water Authority shall for the purpose of computing or assessing the value of the said rights, privileges and easements, assess the tenement or premises as if the same were liable to the payment of water rates in respect of any free supply of water given to them as aforesaid, and such assessment shall be capitalized at any rate not exceeding 20 years purchase of such assessment, and be payable to the owner of the tenement or premises.

Delivery of
house-rate
book.

11. The Assessor for the town of Port-of-Spain under the Port-of-Spain House Tax Ordinance 1899 shall on or before the 1st day of July in each year deliver to the Water Authority a true copy of the house-rate book of Port-of-Spain last made up in pursuance of Ordinance No. 12—1899,

and the Warden of any Ward forming part of the district shall on or before the said date deliver to the Water Authority an extract of the assessment roll last made up of such Ward showing the tenements and premises situate within the district and their respective valuations.

If the Assessor or the said Warden refuses or fails to deliver such copy or extract he shall be guilty of an offence against this Ordinance and on conviction thereof shall be liable to a penalty not exceeding £20.

12. The assessment of all tenements and premises for the Assessment. payment of water rates shall be based for the town of Port-of-Spain as defined by Ordinance 1—1899, upon the valuations in the house-rate book of the said town, and for all tenements or premises outside the said town and within the district, upon the valuations in the assessment rolls of the Wards in which they are respectively situate.

Provided that the Water Authority may in their discretion alter and amend such valuations where any tenements or premises are valued in the said book or assessment rolls as the property of one owner, but which for the purposes of this Ordinance are required to be valued as separate holdings or tenancies, and also may alter and amend such assessments where the property of one or more owners is held as one holding or tenancy.

Provided also that the Water Authority may include in the water-rate book any tenements or premises not included in the said house-rate book or assessment rolls, but which are liable for the payment of water rates under the provisions of this Ordinance, and such tenements or premises shall be valued and assessed by the Water Authority to the best of its skill and judgment.

13. When the Water Authority shall have assessed tenements or premises under the provisions of the last preceding section, such Authority shall cause a notice specifying the annual rateable value of such tenements or premises to be served on the owner or person in possession or occupation of such tenements or premises or his attorney or agent, or to be left at such place with some person residing therein, or if no person shall be found in such house or land then to be affixed on some conspicuous part of such house or land. Notice to owner.

Appeal against
assessment.

14. It shall be lawful for any owner or person in possession of any tenements or premises or the attorney or agent of any such owner who shall be dissatisfied with the annual rateable value specified by the Water Authority, at any time within thirty days next after the service of the notice specifying such annual rateable value, to lodge with the Water Authority a declaration in writing stating his objections to such annual rateable value and the grounds thereof, and thereupon the annual rateable value of the house or land in respect whereof such objection shall be made shall be fixed and determined by the Stipendiary Justice of the Peace having jurisdiction in the town of Port-of-Spain on a day to be appointed by such Justice. Such Justice shall have power to summon and examine all witnesses on oath and to administer such oath and to enter and inspect the house or land in respect of which such objection shall be made, and shall confirm such annual rateable value or shall alter or amend the same as he shall think proper.

Costs.

15. Whenever the annual rateable value specified by the Water Authority shall be reduced by the Stipendiary Justice, he may award such costs to the owner or occupier (not exceeding five pounds) as he in his discretion may think fit, and the costs so awarded shall be paid by the Water Authority.

Appeal to
Supreme
Court.

16. There shall be no appeal from the decision of the Stipendiary Justice aforesaid to the Supreme Court except on the fiat of the Attorney-General, to be given on the ground only that the decision in such case involves a generally applicable question of law of public importance.

Rates.

17. Water rates shall be payable upon all tenements and premises within the district, Churches, Chapels and other buildings set apart and used solely as places of public worship alone exempted, and shall be levied at such rates and at such times as the Water Authority may prescribe; provided that the total rates leviable as the general district rate and the domestic supply or service rate, exclusive of all special charges for water supplied, shall not exceed (6) six per centum per annum upon the valuation or assessment of

any tenement or premises, and that not less than $2/6$ per annum shall be payable in respect of any tenement or premises.

Provided that where any tenements or premises are situated more than 150 yards from the nearest standpipe and above the level at which water can be supplied from the Waterworks, the Water Authority may levy such reduced rates as in its discretion it may deem fit.

18.—(1) The Water Authority may in its discretion levy in ^{Rates.} addition to the district and supply rates the following special maximum rates for baths exceeding two hundred (200) gallons in capacity, that is to say—

Baths containing 201 to 300 gallons at an annual rate of 2 pence per gallon of its contents in excess of 200 gallons.

301 to 400 at $2\frac{1}{2}$ pence.

401 „ 500 „ 3 „

501 „ 600 „ $3\frac{1}{2}$ „

No bath over 600 gallons in capacity shall be allowed except with the express approval of the Water Authority, and the maximum annual charge for any such bath shall not be more than five pence per gallon of its contents.

(2.) The Water Authority may also in its discretion levy in addition to the district and supply rates the following maximum charges when water is supplied for a garden tap, for a fountain, for watering stock or for washing carriages, namely:—

For each garden tap	....	£1	0	0
„ fountain	....	3	0	0
„ head of stock	....		7	6
„ carriage	....		7	6

19. The Water Authority may levy for a supply of water ^{Rates for non-domestic supply.} not for domestic purposes or domestic use such rates and charges as may in its discretion be deemed fit.

Provided that in no case, except where water is supplied to premises outside the district or to shipping, shall a greater charge be made than ten (10) pence per thousand gallons of water so supplied.

For the supply of water to any tenement or premises outside the district or to shipping, the Water Authority may charge such rates as it may in its discretion deem fit.

Meters.

20. Where a supply of water not for domestic purposes or domestic use only is given, the Water Authority shall fix a meter for measuring the quantity of water supplied.

Provided that where a supply of water is given for baths exceeding 200 gallons in capacity, for a garden tap, for a fountain, for watering stock or for washing carriages under Section 18 hereof, the Water Authority shall not, except on the application of the owner, fix a meter for measuring the quantity of water supplied.

Provided also that where a meter is so fixed, the rates payable shall not be less than the amount of the general district and domestic supply or service rates calculated on the valuation of any tenement or premises so supplied: and in calculating the value of water so supplied a greater charge shall not be made than ten (10) pence per thousand gallons of water consumed.

Return of rates due to be sent to Receiver-General.

21. The Water authority shall on or before the 31st day of August in each year compile a return from the house rate book of Port-of-Spain and extracts from the assessment rolls of the Wards of all tenements and premises within the district to which water is supplied under the provisions hereof, shewing the general district and domestic supply or service rates payable in respect of such premises and the period for which such rates are due.

Payment of rates.

All such rates shall be paid to the Water Authority not later than the 30th September in each year; but the Water Authority may in its discretion fix dates upon which proportionate parts of the rates may become due and payable.

Rates for 1904.

Provided that the return of the water rates payable in respect of the year beginning on the first day of August, 1904 and ending on the 31st day of July 1905 shall be prepared by the Water Authority not later than the 31st day of December in the year 1904 from the house rate book of Port-of-Spain for the year 1904 and from the assessment rolls in force at the commencement of this Ordinance, and such rates shall be paid to the Water Authority not later than the 1st day of February 1905.

22. It shall be lawful for the Governor by his Warrant to direct the Receiver-General to pay and the Receiver-General shall accordingly pay to the Water Authority such sums as may from time to time be agreed upon by the Water Authority and any officer in the Public Service whom the Governor may appoint for the purpose, in respect of water supplied to any public institution or department.

Payment of
rates by
Government.

23. The Water Authority shall on or before the 1st of March in each year submit estimates for the approval of the Governor and Legislative Council showing

Annual
Estimates.

- (a.) the probable revenue to be collected during the ensuing year on account of rates and charges for water supplied or of revenue receivable from any other source,
- (b.) the probable cost of administration maintenance and ordinary repairs and of extension of the street mains to provide services.

The said estimates shall not be departed from without the consent of the Governor and Legislative Council.

Provided always that in the event of any accident or unforeseen occurrence causing an interruption of the water supply or serious damage to the Waterworks, the Engineer shall be empowered to proceed forthwith to effect any necessary works and repairs, and the cost thereof shall be chargeable against the funds of the Water Authority and the said estimates shall be amended accordingly.

24.—(1.) The Water Authority shall keep an account of revenue and expenditure, which account shall be closed on the 31st day of March in each year, and the balance of such account, if any, after payment of the instalments of principal and interest prescribed in Section 6 hereof shall be carried forward to the next year and shall be applied as far as practicable to the reduction of the general district and service rates in respect of that year.

Accounts.

(2.) The Water Authority shall keep such other accounts and shall make and render such estimates and returns as the Governor shall from time to time require.

(3.) All accounts kept by the Water Authority in pursuance of Sub-sections (1) and (2) hereof shall be subject to audit by the Auditor-General in all respects as if the

Water Authority were a Department of the Public Service of the Colony accountable to the Governor, with the same right of surcharge against the Chairman of the Water Authority as if he were the head of any such Department, or if he shall have recorded his dissent from any expenditure, against such members of the Water Authority as shall have authorized the same.

(4.) All accounts vouchers and stores of the Water Authority shall be at all times open to the inspection of the Auditor-General or any officer of his Department authorized by him, or any officer specially appointed for that purpose by the Governor.

Transfer of
moneys.

25. All moneys at the commencement of this Ordinance in the hands of the Receiver-General in connection with the Port-of-Spain Waterworks Accounts shall be paid to the Water Authority, and all rates due and unpaid at the period aforesaid shall be paid to the Water Authority and may be recovered in the manner provided in this Ordinance for the recovery of the general district rate and domestic supply or service rate.

Return of
metered
supplies.

26. The Water Authority shall at the close of each quarter make a return showing the amount of water consumed by the owner of every tenement or premises receiving a metered supply and the value thereof and the rent of any meter furnished by the Water Authority to such owner, and every such owner shall at the same time be served with an account showing the quantity of water consumed and its value and the rent of the meter furnished as aforesaid.

In default of payment of the account within one month from the date of its service on the owner, the Water Authority may cut off the water supply of any tenement or premises the owner of which has made such default.

The forwarding of the account through the Post Office shall be deemed to be a service of the same for the purposes of this section.

Apportion-
ment.

27. If any tenement or premises becomes liable for any water rate or for any increase of any such rate at a period intermediate between two successive assessments, then the water rate or any increment of it shall be calculated for the

period during which the service or other appliance, giving rise to a claim for water rate or to an increase thereof during the remainder of the year, will be in use.

28. The general district rate and domestic supply or service rate and any sum due in respect of any supply under the provisions of this Ordinance, shall be deemed to be Public Land Charges within the meaning of Ordinance 28 of 1893, and shall be recoverable in the manner provided by the said Ordinance, or shall at the option of the Water Authority be debts recoverable against the owner of any tenement or premises from time to time in the Port-of-Spain District Court by action at the suit of the Water Authority without regard to limit of amount. Rates to be
Land Charges.

Provided that any such rate or sum in arrear if unpaid at the expiration of three months after the same shall have become due shall be increased at the rate of Ten pounds per centum in lieu of Twenty-five pounds per centum.

29. The Water Authority shall upon application of the owner of any tenement or premises in respect of which the general district rate is payable under this Ordinance, cause a service to be laid into the tenement or premises, but the Water Authority shall not be bound to supply any service to any tenement or premises rated at less than £10 annually, nor to any tenement or premises so situate as to entail any loss to the Water Authority by reason of the primary cost of the Waterworks necessary to provide such service, but the Water Authority may by arrangement with the owner of such tenement or premises lay a service at such an enhanced rate as the Authority may in its discretion deem fit. Laying service.

Provided that in laying down any service the part of such service between the Waterworks and the outer wall or boundary of the tenement or premises to be supplied with water shall be laid at the cost of the Water Authority and shall be maintained and kept in repair in like manner.

Supply and cost of Water fittings.

30.—(1.) The Water Authority shall furnish to any person whose property or premises is supplied or about to be supplied with water, and from time to time renew, repair, or alter any such cisterns, pipes, valves, ferules, cocks, apparatus, Payment for
repairs and
renewals.

fittings and appliances as are required or permitted by this Ordinance or by Bye-laws or Regulations made hereunder, in connection with such supply, and shall provide all materials and do all work necessary or proper in that behalf. The cost of all materials and things furnished by the Water Authority, with five per cent. in addition, and the cost of all labour furnished by the Water Authority shall be paid by the person furnished therewith. Provided that the Water Authority shall in all cases bear the costs of re-leathering all cocks and valves.

(2.) Such costs when payable by the person furnished with the said materials and labour shall be forthwith recoverable from him in the District Court of Port-of-Spain without limit of amount.

Allowing
cocks, &c., to
be out of
repair without
notifying
department.

31. Every occupier of premises supplied with water who shall suffer any stopcock, pipe or other work to be out of repair without giving notice to the Water Authority, so that the water supplied to him shall be wasted, shall forfeit for every such offence a sum not exceeding five pounds.

Using water
for purposes
other than
those for
which it is
supplied.

32. If any person not having from the Water Authority a supply of water for other than domestic purposes or domestic use uses for other than domestic purposes or domestic use any water supplied to him by the Authority, he shall for every such offence be liable to a penalty not exceeding five pounds.

Affixing or
altering pipes,
&c., with-
out consent
of Authority.

33. It shall not be lawful for the owner or occupier of any premises supplied with water by the Water Authority or any other person to affix or cause or permit to be affixed any pipe or apparatus to a pipe belonging to the said Authority or to a communication or service pipe belonging to or used by such owner, occupier or other person, or to make any alterations in any such communication or service pipe or in any apparatus connected therewith without the consent in every such case of the said Authority, and if any person acts in any respect in contravention of this section he shall for any such offence be liable to a penalty not exceeding five pounds, without prejudice of the right of the said Authority to recover damages from him in respect of any injury done to their property, and without prejudice to the right to recover from him the value of any water wasted, misused or unduly consumed.

34. The Water Authority may without prejudice to the payment of any water rate, meter rent or other sums due or to become due in respect of any water supply or to any other remedy under the provisions of this Ordinance or under any Bye-law or Regulation, diminish, withhold, suspend or divert the supply of water through the Waterworks either wholly or in part whenever it may be expedient or necessary for the purpose of conserving the supply of water or for extending, altering or repairing the Waterworks or for the purpose of connecting services or public fountains or in case of fire.

Suspension of
supply.

35. The Water Authority, whenever a meter is fixed may charge a sum as rent not exceeding 20 per cent. per annum of the original cost of such meter, and such rent shall be payable quarterly and be recoverable with and as part of the charges made for the water supplied under section 26 hereof.

Meters.

- (a.) Meters shall be read between the hours of 7 a.m. and 5 p.m. at such reasonable times as the Authority may direct, not less frequently than three times a quarter. Whenever a meter is read a memorandum of the reading and of the preceding reading shall be left with the occupier of the tenement or premises supplied through it.
- (b.) For the purpose of calculating the quarterly consumption, the difference between two readings of the meter shall be taken. The first reading may be that observed on any day not more than ten days before or after the calendar date of the commencement of the quarter, or in the case of a newly fixed meter, the first reading of the meter; the second reading may be taken on any day not more than ten days earlier or later than the calendar termination of the quarter, or if the meter is removed or the supply closed during the quarter, then the last reading shall be taken; and the difference between the two readings shall be taken as the quarter's water consumption. If two or more meters have been in use during the quarter, then the quarter's consumption shall be the sum of the quantities indicated by the several meters.

- (c.) Provided always that the reading used as the last reading of any quarter, shall be used as the first reading of the ensuing quarter.
- (d.) If a meter is found to be out of order, or if it be removed for repair or alteration, the fact will be noted on the memorandum mentioned in Sub-section (a). On fixing a new meter or refixing the old meter a second memorandum will be handed to the owner of the tenement or premises. The consumption for the time that the meter was out of order, or for the time that the service was without a meter, will be calculated according to the daily average rate of consumption that obtained during the period between any two successive readings, whilst the meter was in good order, immediately preceding the removal of the meter.
- (e.) If the consumer doubts the accuracy of the meter which measures the water supplied to the tenement owned or occupied by him, then the meter will, on demand, be tested by the Water Authority. The consumer or any person appointed by him may be present when the meter is tested. The results of the test will be binding, both on the Water Authority and on the consumer; and the quantity of water indicated by the meter, from the first reading of the quarter as defined in Section (b) shall be corrected, according to the results of the test.

If the meter be found to indicate correctly the measurement of water passing through it, then a fee of one pound shall be paid by the consumer for testing.

A meter shall be deemed to register correctly within the meaning of this sub-section which registers within 5 per cent. of the amount of water actually passing through it.

- (f.) Meters will be maintained by the Water Authority. Repairs which in the opinion of the Water Authority are necessitated by any wilful or

negligent act shall be paid for by the owner or occupier of the tenement in respect of which the damaged meter is fixed, and shall be forthwith recoverable from him in the District Court of Port-of-Spain without limit of amount.

36. All meters shall be the property of the Water Authority and shall not be subject to distress for the rent of any tenement or premises or be attached or taken in execution under any power of any Court of Law or under legal proceedings against or affecting the owner of the tenement or premises in which such meters are found.

Meters
property
of Water
Authority.

37. The Water Authority may erect, maintain and keep public fountains, public baths and troughs for animals, in such places in the district as such Authority may deem fit, for the use of the inhabitants of the district, and may from time to time remove the same whenever it shall be deemed necessary.

Public
fountains.

38. No person or persons except those resident within the district in any tenement or premises duly assessed for water rates may take or use water from the Waterworks.

Unlawfully
taking water.

Any person acting in contravention of the provisions of this section shall be guilty of an offence and shall on conviction be liable to a penalty not exceeding Five Pounds (£5.)

39.—(a.) The Water Authority may at all reasonable times between the hours of 7 a.m. and 5 p.m. enter any tenement or premises supplied with water from the Waterworks to inspect and examine the service therein, and may make such excavations and remove such materials as may be deemed necessary for the purpose of such inspection and examination, afterwards making good the same but without being liable to compensation in respect thereof.

Right of entry
and inspection.

(b.)—The Water Authority may at all reasonable times between the hours of 7 a.m. and 5 p.m. enter into any tenement or premises supplied with water from the Waterworks in order to examine the service therein and see if there be any waste of such water from any cause whatever.

(c.)—If any person lawfully claiming admission to any tenement or premises in pursuance of this section is refused admission into such tenement or premises or otherwise

prevented from making such examination, the person so refusing admission to any tenement or premises or otherwise preventing the examination of the service shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding Five Pounds (£5.)

Opening up
streets.

40. The Water Authority shall have power to dig up and open any street road or lane within the District for the purpose of constructing, laying, altering or repairing any part of the Waterworks.

Provided that the Water Authority shall with all reasonable expedition after such Waterworks have been completed restore the surface of any street, road or lane to its original condition.

Liability for
waste of water.

41. Any occupier of any premises supplied with water who causes permits allows or suffers any waste of water on such premises not due to a defective service of which notice shall have been given, shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding Five Pounds.

Measures for
prevention of
waste of water.

42. Whenever there is waste of water in any premises supplied with water, the Water Authority may without prejudice to any other remedy which it may have against any person liable for such waste of water, cut off and discontinue such supply.

Provided that such cutting off and discontinuance shall not take place in any premises where there are water closets in connection with the sewerage system, except such cutting off and discontinuance is effected in such a manner as not to interfere with the supply of water to such water closets.

And provided that such cutting off and discontinuance shall not take place except when in consequence of there being more than one occupier of the premises supplied with water or from any other cause the Water Authority after making enquiry is unable to ascertain the person liable for such waste of water.

Provided also that such cutting off and discontinuance shall not take place until six hours notice thereof shall have been given by the Water Authority, and such cutting off and discontinuance shall in no case be for a longer consecutive period than seventy-two hours.

Every such notice shall be in writing and shall be signed by the Engineer and shall be deemed to be duly given by being affixed on some part of the premises in respect of which the water supply is to be cut off and discontinued.

43. For the purposes of the preceding sections hereof the expression "waste of water" shall include the use of water in any of the following ways : "Waste of water"—Definition of.

- (a.) When water is flowing from a tap or cock into a bath or a vessel or utensil which is at the same time overflowing;
- (b.) When water is flowing from a tap or cock into a bath or a vessel or utensil which is at the same time being emptied of its contents;
- (c.) When water is flowing from a tap or cock into a bath or a vessel or a utensil which has a defective outlet plug or which is not watertight;
- (d.) When water is flowing from a tap or cock without being received into some vessel or utensil, and without being used for some domestic purpose.

44. It shall be lawful for the Water Authority or any person authorized by it 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 water-course from, to, through or along or by which water is conducted and supplied to the Waterworks, and to erect without permission and from time to time 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. Entry on lands.

Any person who shall remove or tamper with any gauge or other measuring instrument or any level mark or other appliance erected as aforesaid shall be guilty of an offence against this Ordinance and shall be liable on conviction thereof to a penalty not exceeding £5 and in default of payment to imprisonment with or without hard labour for any term not exceeding three months.

Offences.

45. Every person who—

- (1.) Bathes in any part of the Waterworks ;
- (2.) Drives or permits or suffers any animal to be driven or to enter into the Waterworks ;
- (3.) Washes in or throws into or causes or suffers any animal to be washed in or thrown into the Waterworks ;
- (4.) Washes in or throws into the Waterworks any dead animal or any part of any dead animal ;
- (5.) Puts or throws or causes or suffers to be put or thrown into the Waterworks 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 any cloth, wool, leather or skin of any animal or any clothes ;
- (7.) Causes or suffers the water from any sink, privy, sewer, drain, steam engine or boiler or any foul or filthy water being and lying upon any land, tenement 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 ;
- (8.) 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 ;
- (9.) Wilfully or knowingly does or omits to do any act or thing the doing or wilful or knowing omission of which is by the provisions of this Ordinance or any regulations or Bye-laws made hereunder declared to be an offence ;

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 £5, and a further penalty not exceeding £1 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 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.

In this section the term "Waterworks" includes any lake, pond, spring, river or stream, from, through, to or along or by which water is conducted or flows to or from the Waterworks.

46. The Water Authority shall have power with the consent of the Governor and the Legislative Council from time to time to make, alter, amend or repeal Bye-laws and Regulations for the carrying out of the provisions of this Ordinance and in respect of all or any of the following matters, and may prescribe penalties for breaches of such Bye-laws and Regulations, provided that any one penalty shall not exceed £5 :—

- (a.) The materials to be used in constructing, altering and repairing services or any part of them ;
- (b.) The arrangement of services, the size, quality and pattern of all pipes taps and other fittings and appliances to be used in constructing them and in their alteration and repair ;
- (c.) The situation, size and quality of all cisterns, and other receptacles for water and of all ballcocks, syphons, overflow and waste pipes and all other appliances in connection therewith ;
- (d.) The price of water for and the number of taps allowable in any tenement or premises in respect of the amount paid as water rates and for taps in addition to those allowed hereunder ;
- (e.) The time, mode and place for the payment of all rates and charges in respect of water supply ;
- (f.) The amount of rent to be paid for meters ;
- (g.) The prices to be paid for all services and for any work of whatever kind connected therewith constructed, laid and repaired by the Water Authority ;

- (h.) The suspension of the water supply ;
- (i.) The prevention of the waste and the improper use of water supplied from the Waterworks ;
- (j.) The duties of the officers and servants of the Water Authority, their proper behaviour and conduct ;
- (k.) The forms of all notices required to be given or sent under this Ordinance and the using and service thereof ;
- (l.) In respect of all such other matters not hereinbefore specially mentioned as may conduce to the better and more effective carrying out of this Ordinance.

All such Bye-laws and Regulations shall be published in the *Royal Gazette*, and in any proceedings under this Ordinance the production of a copy of the *Royal Gazette* containing such Bye-laws and Regulations shall be deemed to be conclusive evidence of the making and tenor of such Bye-laws and Regulations.

Procedure.

47. All proceedings in respect of offences under this Ordinance shall be brought before the Stipendiary Justice of the Peace of Port-of-Spain, and the provisions of the Summary Conviction Offences (Procedure) Ordinance 1895, (47 of 1895) and of any future Ordinance respecting the summary administration of Justice shall, so far as the same are applicable, apply to proceedings under this Ordinance.

Appropriation of penalties.

48. All penalties and fines recoverable in respect of any offence under this Ordinance or under any Bye-laws or Regulations made hereunder shall be paid by the Stipendiary Justice to the Water Authority as part of the funds of the Water Authority applicable to the purposes of the Waterworks.

Limitation of actions.

49. All actions and prosecutions to be commenced against the Water Authority or person authorized by it for anything purporting to be done or of any alleged neglect omission or misfeasance in respect of any duty or obligation 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.

50. The Ordinances mentioned in the Schedule to this ^{Repeal.} Ordinance are hereby repealed.

Provided that such repeal shall not affect the validity or invalidity of anything done or suffered or any right accrued or liability incurred before or any proceeding pending or uncompleted at the commencement of this Ordinance.

Passed in Council this 8th day of August, in the year of Our Lord one thousand nine hundred and four.

C. J. ROOKS,
Clerk of the Council.

SCHEDULE.

No. of Ordinance.	Title.
18—1851...	For supplying the town of Port-of-Spain and the vicinity thereof with water.
12—1854...	To regulate the charge for water supplied from the Port-of-Spain Waterworks, and for the better enforcing the payment of the rates for water.
3—1880...	The Waterworks Ordinance, 1880.
9—1883...	The Port-of-Spain Waterworks Ordinance, 1883.
23—1885...	The Port-of-Spain Waterworks (amendment) Ordinance, 1885.
8—1886...	To alter the time for payment of Water Rates assessed under the several Ordinances relating to the Port-of-Spain Waterworks.
6—1888...	To amend "The Port-of-Spain Waterworks (amendment) Ordinance, 1885."
30—1895...	The Water Supply Ordinance, 1895.
33—1895...	The Waterworks Ordinance, 1895.
8—1900...	To amend the law as to the Port-of-Spain Water Rates.
26—1901...	The Cascade Waterworks Ordinance, 1901.