3rd Session First Parliament Trinidad and Tobago
14 Elizabeth II

TRINIDAD AND TOBAGO

Act No. 16 of 1965

[L.S.]

AN ACT to provide for the development and control of water supply and sewerage facilities in Trinidad and Tobago and matters of sanitation incidental thereto; the promotion of the conservation and proper use of water resources; and for the establishment of an Authority to administer the several purposes aforesaid and matters connected therewith.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Trinidad and Tobago, and by the authority of the same, as follows :— Enactment

[*Assented to* 19*th August,* 1965]

1. This Act may be cited as the Water and Sewerage Act, 1965. Short title

PRELIMINARY

Interpretation

2. In this Act—

(i) "Authority" means the Water and Sewerage Authority established by section 3;

(ii) "Central Water Distribution Authority" means the authority in whom the property transferred by sub-paragraph (ii) of paragraph (*a*) of subsection (1) of section 11 was, before the commencement of this Act, vested under or by virtue of any enactment repealed by this Act;

(iii) "Chairman" means the Chairman of the Authority;

(iv) "Commissioner" means a duly appointed member of the Authority;

(v) "contravention" includes failure to comply, and "contravene" shall be construed accordingly;

(vi) "cut off", in relation to a supply of water, means stop the supply whether by operating a tap, by disconnecting pipes, or otherwise;

(vii) "Deputy Chairman" means the Deputy Chairman of the Authority;

(viii) "Executive Director" means the Executive Director of the Authority;

(ix) "existing sewerage system" means the sewerage system that, before the commencement of this Act, was vested in the Port-of-Spain Corporation under Part XVII of the Port-of-Spain Corporation Ordinance and includes any other system of sewers for the disposal of sewage as defined in subsection (1) of section 61, now vested in a statutory authority;
Act, was vested in the Port-of-Spain Corporation under Part XVII of the Port-of-Spain Corporation Ordinance and includes any other system of sewers for the disposal of sewage as defined in subsection (1) of section 61, now vested in a statutory authority;

(x) "house" means a dwelling house, whether a private dwelling house or not, and includes any part of the building if that part is occupied as a separate dwelling house;

(xi) "land" includes any interest in land and any easement or right in, to or over land;

(xii) "local authority" means the Port-of-Spain Corporation established under the Port-of-Spain Corporation Ordinance, the San Fernando Corporation established under the San Fernando Corporation Ordinance and the Arima Corporation established under the Arima Corporation Ordinance;

(xiii) "Minister" means the member of Cabinet to whom responsibility for the subject of Water and Sewerage is assigned;

(xiv) "owner" means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if those premises were let at a rackrent;

(xv) "premises" includes land;

(xvi) "prescribed" means prescribed by the Authority under this Act;

(xvii) "public stand-pipe" means any fountain, standpipe, dipper, valve, tap or appliance used or intended to be used for supplying water to the public generally or to a section of the public, and in respect of which water rate is levied by or under this Act;

(xviii) "regulations" means regulations made by the Authority under this Act;

(xix) "rules" means rules made by the Authority under this Act;

(xx) "Secretary" means the Secretary of the Authority;

(xxi) "sewer system" means the system of sewers the property of the Authority that have been and shall hereafter be constructed under any agreeunder this Act;

(xx) "Secretary" means the Secretary of the Authority;

(xxi) "sewer system" means the system of sewers the property of the Authority that have been and shall hereafter be constructed under any agreement between the Government, or after the commencement of this Act, the Authority, and contractors relating to such system of sewers whereby sewage as defined in subsection (1) of section 61 is or is intended to be conveyed and disposed of, and includes—

(i) the existing sewerage system,

(ii) a sewerage system within the meaning of paragraph 25 of the Third Schedule; and

(iii) all buildings, pumps, machinery appliances, and accessories used, employed or operated in connection with the sewer system;

(xxii) "sewerage facilities" means the provision of the service of removal of sewage (within the meaning of subsection (1) of section 61) by means of the sewer system or any part thereof and includes services incidental thereto, and permitted under this Act;

(xxiii) "sewerage works" means streets sewers, collecting sewers and house-sewers, and works or appliances of every kind forming part of the construction of the sewer system or necessary, accessory, or incidental thereto and includes pumping stations and treatment plants;

(xxiv) "Standing Orders" means Standing Orders made by the Authority under subsection (8) of section 5;

(xxv) "street" includes any highway, including a highway over any bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

(xxvi) "watercourse" includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers, (other than the sewer system) and passages, through which water flows;

(xxvii) "water fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths, water closets, soil-pan and other similar apparatus used in connection with the supply and use of water;

sewers, (other than the sewer system) and passages, through which water flows;

(xxvii) "water fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths, water closets, soil-pan and other similar apparatus used in connection with the supply and use of water;

(xxviii) "water purveyor" means any company or other person authorised by the Authority under section 43 to supply water;

(xxix) "waterworks" includes all pipes, mains, canals, weirs, buildings, erections, pumps and machinery, appliances and works, used or intended

to be used for or in connection with the supply of water for domestic purposes, but does not include service pipes, within the meaning of subsection (1) of section 61.

PART I

THE WATER AND SEWERAGE AUTHORITY

Establishment of Authority

Establishment and incorporation of Authority

3. (1) An Authority is hereby established for the purposes of this Act, and is a body corporate.

(2) The Authority shall consist of seven members designated Commissioners who shall be appointed by the Governor-General as follows—

(*a*) three members being technical officers representative of—

(i) the Ministry concerned with the subject of Agriculture;

(ii) the Ministry concerned with the subject of Health;

(iii) the Ministry concerned with the subject of Local Government; and

(*b*) four members who have had experience of and shown capacity in matters relating to trade, law, finance, science, administration or labour relations, of whom one shall be Chairman and another Deputy Chairman.

(3) Appointment to the office of Commissioner shall, subject to the provisions of subsection (4), be for such period, being not more than five years, as the Governor-General shall specify at the time of the appointment.

(4) A Commissioner may at any time resign his office

another Deputy Chairman.

(3) Appointment to the office of Commissioner shall, subject to the provisions of subsection (4), be for such period, being not more than five years, as the Governor-General shall specify at the time of the appointment.

(4) A Commissioner may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister.

(5) The appointment of any person as a Commissioner and the termination of office of any person as a Commissioner whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the *Gazette*.

Custody and use of seal

4. (1) The seal of the Authority shall be kept in the custody either of the Chairman or the Deputy Chairman or of the Secretary, as the Authority may determine, and may be affixed to instruments pursuant to Standing Orders or to a resolution of the Authority and in the presence of the Chairman or Deputy Chairman, and of one other member, and the Secretary.

(2) The seal of the Authority shall be attested by the signature of the Chairman or Deputy Chairman, and the Secretary.

(3) All documents, other than those required by law to be under seal made by, and all decisions of, the Authority may be signified under the hand of the Chairman or Deputy Chairman or the Secretary.

(4) Service upon the Authority of any notice, order, or other document shall be executed by delivering the same or by sending it by registered post addressed to the Secretary at the office of the Authority.

Procedure

Procedure and meetings of the Authority

5. (1) The Authority shall meet at least once a month and at such other times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Authority determine.

(2) The Chairman may at any time call a special meeting of the Authority and shall call a special meeting within seven days of the receipt of a requisition for that purpose addressed to him by any three Commissioners.

(3) The Chairman, or in his absence the Deputy Chairman, shall preside at all meetings of the Authority.

(4) The Chairman, or in his absence the Deputy Chairman, and two other Commissioners form a quorum.

(5) The Chairman shall have an original vote, and in any case in which the voting is equal the Chairman or Deputy Chairman presiding at the meeting shall have a casting vote.

(6) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman or the Deputy Chairman at a subsequent meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(7) The Authority may co-opt any one or more persons to attend any particular meeting of the Authority for the purpose of assisting or advising the Authority, but no such co-opted person shall have any right to vote.

(8) Subject to this section, the Authority may by Standing Orders regulate its own proceedings.

Appointment of committees

6. (1) The Authority may appoint committees to examine and report to it on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

(2) A committee appointed by the Authority shall consist of at least one member of the Authority together with such other persons, whether members of the Authority or not, whose assistance or advice the Authority may desire.

(3) Where persons, not being members of the Authority, are members of a committee appointed under this section, the Authority may by resolution declare the remuneration and allowances of such person, and such sums shall properly be so payable out of the funds and resources of the Authority.

(4) The Authority may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Authority may think fit.

Standing Advisory

7. (1) For the purpose of advising the Authority on

(4) The Authority may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Authority may think fit.

Standing Advisory Committees

7. (1) For the purpose of advising the Authority on such matters concerning the exercise of its powers and functions and the performance of its duties as are referred to in subsection (4), the Authority shall establish Standing Advisory Committees (in this section referred to as an "Advisory Committee") for the districts of the Port-of-Spain Corporation, the San Fernando Corporation and the Arima Corporation, respectively.

(2) An Advisory Committee shall consist of a Commissioner, who shall be chairman and two other persons representing the respective local authorities, each of whom shall be appointed by the Authority acting in accordance with the advice of the local authority concerned, for such period as is provided, in the discretion of the Authority, in the terms of the appointment.

(3) The appointment and termination of office of the chairman and every such member of the Advisory Committee whether by death, resignation, revocation or effluxion of time or otherwise shall be notified in the *Gazette*.

(4) The matters, concerning which an Advisory Committee is by virtue of this section established and authorised to advise the Authority are as follows:

(*a*) the demand for water supplies in its district, and the employment of the water resources in or available for that district in order to meet the future water supply requirements of the district;

(*b*) subject to any other enactment, the fixing of a water rate or the making of any charge in respect of the supply of water for domestic purposes within its district;

(*c*) such other matters as are referred to an Advisory Committee by the Authority for advice.

(5) The Authority may by resolution reject the advice of any Advisory Committee or adopt it either wholly or with such modifications, additions or adaptations as the Authority may think fit.

(6) In this section "district" means the area in respect of which a local authority was, before the commencement of this Act, authorised by or under any enactment relating to local authorities to perform any duties and exercise any powers in relation to the provision of water supplies in such area.

Power of Authority to delegate

8. Subject to the provisions of this Act and to the prior approval of the Minister, the Authority may delegate to a Commissioner or a committee, power and authority to carry out on its behalf such duties and functions and to exercise such powers as the Authority may determine, so however that any such delegation shall be revocable at will and shall not preclude the Authority from acting from time to time as occasion requires.

General Functions, Powers and Duties of the Authority

General functions, duties and powers

9. (1) It is the duty of the Authority to carry out the policy of the Government in relation to water and sewerage and subject to this Act the Authority shall have and exercise such functions, powers and duties as are conferred upon it by this Act and by any other enactment.

(2) In the performance of its functions and duties and in the exercise of its powers the Authority may do all things that may be necessary or expedient to secure the advantageous execution of the purposes of this Act.

Policy directions

10. In the exercise and performance of its functions, powers and duties under this or any other enactment the Authority shall act in accordance with any special or general directions of the Government, given to it by the Minister; but subject to this section, the Authority shall, when exercising and performing its functions, powers and duties, be subject to the control or direction of no other person or authority.

Vesting of Property in the Authority

Assets and liabilities of the Authority

11. (1) Upon the commencement of this Act—

(*a*) all land and other property of every kind, including things in action, vested or deemed to be vested immediately before the commencement of this Part in—

(i) the Crown in right of its Government of Trinidad and Tobago, (under the Waterworks and Water Conservation Ordinance or by any other right or title) and relating to waterworks and sewerage works; Ch. 15. No. 2

(ii) the Central Water Distribution Authority established under the Central Water Distribution Authority Ordinance:
Ordinance or by any other right or title) and relating to waterworks and sewerage works; Ch. 37. No. 1

(ii) the Central Water Distribution Authority established under the Central Water Distribution Authority Ordinance; Ch. 37. No. 1

(iii) the Port-of-Spain Corporation under the Port-of-Spain Corporation Ordinance or by any other right or title and relating to waterworks (within the meaning of section 40) or the existing sewerage system; Ch. 39. No. 1

(iv) any local authority, other than the Port-of-Spain Corporation, under any enactment or by any other right or title and relating to waterworks (within the meaning of section 40);

and

(v) statutory authorities under or by virtue of any enactment or by any other right or title and relating to waterworks;

is hereby vested in the Authority;

(*b*) all public pumps, wells, cisterns, reservoirs, conduits and other works used for the gratuitous or other supply of water to the inhabitants of any part of the district of a local authority (within the meaning of subsection (3) of section 58) and not otherwise in this subsection contemplated, are hereby vested in the Authority;

(*c*) all the rights, privileges and advantages, and all the liabilities and obligations that, immediately before the commencement of this Part, the Government or the Central Water Distribution Authority or the local authority or the statutory authority, in relation to the matters respectively referred to in paragraph (*a*), were entitled or subject to, as the case may be, are hereby transferred to, and conferred or imposed upon, the Authority for the purposes of this Act.

(2) A reference in any deed, contract, bond or security or other document to—

(*a*) the Government, in relation to its rights, titles and obligations concerning waterworks referred to in subparagraph (i) of paragraph (*a*) of subsection (1) and the sewer system or any sewerage works; or

(*b*) the Central Water Distribution Authority; or

(*c*) the Port-of-Spain Corporation, in relation to the waterworks, referred to in subparagraph (iii) of paragraph (*a*) of subsection (1), and the existing sewerage system; or

statutory authority, in relation to the matters

(*d*) a local authority, other than the Port-of-Spain Corporation, in relation to waterworks referred to in subparagraph (iv) of paragraph (*a*) of subsection (1); or

(*e*) any other statutory authority, in relation to the existing sewerage system;

shall, upon the commencement of this Act, be construed as a reference to the Authority.

(3) Nothing in subsection (2) shall apply to the agreement made between the Government and the Export-Import Bank of Washington at Washington, District of Columbia, U.S.A., the 12th day of January, 1962, or between the Government and any other person or authority, with respect to the financing of the construction of the sewer system now proceeding; and in any agreement between the Government and any contractors relating to such sewer system, the Government shall be jointly liable with the Authority for the performance of its obligations thereunder.

(4) For the purposes of subparagraph (i) of paragraph (*a*) of subsection (1), all sewerage works, the subject of any agreement between the Government and any sewerage contractors, the construction of which is at the commencement of this Act not yet completed or in operation, shall, notwithstanding any agreement to the contrary be deemed to be now vested in the Government and shall vest in the Authority under the said subsection (1).

(5) Legal proceedings pending immediately before the commencement of this Part by or against—

(*a*) the Government or the Central Water Distribution Authority; or

(*b*) the Port-of-Spain Corporation, or a local authority other than the Port-of-Spain Corporation; or

(*c*) any other statutory authority.

in relation to the matters respectively mentioned in subsection (1), may be continued on and after that day by or against the Authority as the party to the proceedings instead of the Government or the Central Water Distribution Authority or the Port-of-Spain Corporation or the local authority other than the Port-of-Spain Corporation or the other statutory authority.

(6) In subparagraph (i) of paragraph (*a*) of subsection (1) "waterworks" means all works, constructions and developments relating to waterworks as defined in paragraph (xxix) of section 2, as well as such works, constructions and developments as were before the commencement of this Act—

Ch. 15. No. 2

Ch. 39. No. 15

(*a*) within the contemplation of section 30 of the Waterworks and Water Conservation Ordinance for the purpose of sewage outside the limits of any municipality or other local authority, including a county council within the meaning of the County Councils Ordinance, empowered to carry out sewerage schemes; or

(*b*) the property of the Government; or

(*c*) completed or are now in the course of completion; or

(*d*) declared by the Governor-General to be waterworks,

under or by virtue of the Waterworks and Water Conservation Ordinance.

Miscellaneous

Remuneration of Commissioners

12. The Authority shall, subject to the approval of the Minister, pay to each Commissioner in respect of his office such remuneration and allowances, if any, as the Authority thinks fit, and, subject to the like approval, to the Chairman and Deputy Chairman in respect of his office, such remuneration and allowances, if any, in addition to any remuneration or allowances to which he may be entitled in respect of his office as Commissioner, as, subject to the like approval, may be so determined.

Declaration of interest

13. (1) A Commissioner who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Authority or any other matter whatsoever in which the Authority is concerned, shall declare the nature of his interest at the first meeting of the Authority like approval, may be so determined.

Declaration of interest

13. (1) A Commissioner who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Authority or any other matter whatsoever in which the Authority is concerned, shall declare the nature of his interest at the first meeting of the Authority at which it is practicable for him to do so.

(2) A Commissioner shall not take part in any deliberation or decision of the Authority with respect to any contract or proposed contract with the Authority or any other matter whatsoever with which the Authority is concerned, in which he has any pecuniary interest, whether directly or indirectly.

(3) This section shall not apply to—

(*a*) an interest in a contract or other matter which a Commissioner may have

(i) as a consumer of water for domestic purposes provided by the Authority, or

(ii) as a ratepayer in respect of sewerage facilities provided by it, or

(*b*) to an interest in any matter relating to the terms on which the right to participate in any service provided by the Authority, is offered to the public.

(4) For the purposes of this section, a person—

(*a*) who, or any nominee of whom, is a shareholder or partner in a company or other body of persons (other than a statutory authority), or

(*b*) who is an employee thereof,

shall be treated as having indirectly a pecuniary interest in a contract or other matter, if such company or such other body of persons is a party to the contract or proposed contract or has a pecuniary interest in such other matter under consideration.

(5) Nothing in subsection (4) shall apply to any person who, but for the provisions of the said subsection (4) would not fall to be treated as having indirectly a pecuniary interest in a contract or other matter, if the total value of his shareholding or other interest does not exceed such amount of the total nominal value of the issued share capital of the company or body as the Standing Orders of the Authority provides.

(6) A person who fails to comply with the provisions of this section, is guilty of an offence and for every offence is liable on summary conviction to a fine of two hundred and fifty dollars, unless he proves that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was the subject of

of the Authority provides.

(6) A person who fails to comply with the provisions of this section, is guilty of an offence and for every offence is liable on summary conviction to a fine of two hundred and fifty dollars, unless he proves that he did not know that a contract, proposed contract or other matter in which he had a pecuniary interest was the subject of

consideration at the meeting.

14. (1) Any document requiring to be executed by the Authority shall be deemed to be duly executed— Execution of documents

(*a*) if signed by the Chairman or the Deputy Chairman and the Executive Director or the Secretary; or

(*b*) if signed, whether within or without Trinidad and Tobago by a person or persons authorised by resolution of the Authority so to sign, but in such case an extract of the resolution certified by the Chairman or Deputy Chairman and the Secretary shall be attached to and form part of the document.

(2) Any cheque, bill of exchange or order for the payment of money required to be executed by the Authority shall be deemed to be duly executed if signed by a person or persons authorised by this Act or by resolution of the Authority.

Annual report of Authority

15. The Authority shall make an annual report of its proceedings to the Minister which shall be laid before Parliament.

PART II

ADMINISTRATION

General

Act to be administered as a whole

16. Subject to this Act, the Authority may do all such things as are necessary or convenient for the purpose of exercising the powers and performing the duties and functions conferred or imposed on it by this Act as respects its responsibility for Water and Sewerage in as full and effectual a manner as if such responsibility was but one undertaking only.

Personnel

Appointment of officers and other employees

17. (1) The Authority may, subject to the approval of the Governor-General, appoint on such terms and conditions as it thinks fit, an Executive Director, a Deputy Executive Director, a Secretary, a Treasurer and a Chief Accountant and such other officers and employees as may be necessary and proper for the due and efficient performance by the Authority of its duties under this Act.

(2) An annual salary in a sum that is equivalent to or exceeds the annual salary of ten thousand dollars or such greater amount as the Minister may prescribe shall not be assigned to any post under this section without the prior approval of the Minister.

(3) The Executive Director is responsible for carrying out the decisions of the Authority, and in the performance of his duties the Executive Director is subject to the control of the Authority.

(4) A person shall not be disqualified from being appointed to the office of Executive Director or Deputy Executive Director by reason of being a Commissioner, and if any person is so appointed he may continue to hold office as a Commissioner in addition to the office of Executive Director or Deputy Executive Director.

Priority of officers and employees of former Authorities

18. Subject to section 23, on the coming into operation of this Act, the Authority shall give first consideration for appointment by the Authority of its officers and employees to those public officers and other employees—

(*a*) who were before the commencement of this Act carrying out functions and duties under—

(i) the Waterworks and Water Conservation Ordinance in connection with waterworks within the meaning of subsection (6) of section 11;

(ii) the Central Water Distribution Authority Ordinance; or Ch. 37. No. 1

(*b*) in the service of the local authorities in connection with the waterworks (within the meaning of section 40), and the existing sewerage system; or

(*c*) in the service of a statutory authority in connection with the existing sewerage system;

who qualify for posts with the Authority.

Transfer of Officers of Government to the Authority

19. (1) An officer in the public service may, with the approval of the Minister, be transferred to the service of the Authority, and upon such transfer shall become a member of the Pension Scheme referred to in section 21, and, if such officer's transfer becomes effective before the establishment of that Scheme, he shall become a member within one year

19. (1) An officer in the public service may, with the approval of the Minister, be transferred to the service of the Authority, and upon such transfer shall become a member of the Pension Scheme referred to in section 21, and, if such officer's transfer becomes effective before the establishment of that Scheme, he shall become a member within one year of its establishment; and an officer in the service of the Authority may be transferred to the public service.

(2) A transfer described in subsection (1) shall be on such terms as may be acceptable to the Governor-General, the Authority and the officer concerned and the pension or superannuation rights accruing to the officer at the time of his transfer shall be preserved.

Transfer on secondment

20. (1) Subject to subsection (2), any officer in the public service may, with the approval of the Minister, be transferred on secondment to the service of the Authority or from the service of the Authority to the public service.

(2) Where a transfer on secondment contemplated by subsection (1) is effected, the Governor-General or the Authority, as the case may require, shall make such arrangements as may be necessary to preserve the rights of the officer so transferred to any pension, gratuity or other allowance for which he would have been eligible had he remained in the service of the Government or of the Authority, as the case may be.

(3) A period of transfer on secondment shall not in any case exceed six years.

Establishment of a Pension Scheme

21. The Authority shall within a period of three years of its establishment, by rules confirmed by the Minister, provide for the establishment and maintenance of a Pension Scheme for the benefit of the officers and employees of the Authority and officers transferred to it on secondment.

Content of Pension Scheme

22. Without prejudice to the generality of section 21, the Pension Scheme may enable the Authority to-

(*a*) grant gratuities, pensions or superannuation allowances to, or to the widows families or dependents of, their employees;

(*b*) establish contributory superannuation schemes, and establish and contribute to superannuation funds for the benefit of their employees;

(*c*) enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee, widow, family or dependant such gratuities, pensions or allowances as are by this section authorised to be granted;

(*d*) give donations or subscriptions to charitable institutions, sick funds, benevolent funds and other objects calculated to benefit their employees.

Certain conditions of employment of staff of existing water and sewerage services by the Authority

23. (1) Prescribed Public officers and prescribed members of the staff employed by the Central Water Distribution Authority and by a local authority in relation to the waterworks transferred to the Authority under section 11 and the existing sewerage system, and by a statutory authority in relation to the existing sewerage system, shall be given the option of retiring on abolition of office, pension or provident fund terms as appropriate, or of continuing under the Authority, in accordance with regulations made by the Minister.

(2) Public officers and members of the staff so employed by the Central Water Distribution Authority and by a local authority and a statutory authority who, on or after the commencement of this Act, elect to continue their services under the Authority shall—

(*a*) be regarded as transferred to the service of the Authority, and

(*b*) have preserved to them the superannuation rights accruing at the time of their transfer to the Authority, and

(*c*) within a year of the establishment of the Pension Scheme become members of that scheme;

so however, that all such rights shall be forfeited on dismissal by the Authority, in such circumstances as they would have been forfeited on dismissal from the public service or from the service of the Central Water Distribution Authority or a local authority or a statutory authority.

(3) In the case of a person who has elected to continue his service under the Authority and who retires from or dies in that service before the establishment of the Pension Scheme under section 21, any superannuation rights occurring at the time of his retirement or death may be paid to such person in accordance with regulations made by the Minister.

(4) In this section and in section 24, "prescribed" means prescribed by regulations made by the Minister, who is hereby empowered to make regulations for such purpose.

Compensation for loss of office

24. Public officers and members of the staff and prescribed employees of the persons or authorities referred to in section 23 shall, where such officers or staff members or employees are not eligible for an increase of pension under regulation 11 of the Pensions Regulations, 1938, be paid by the

Authority such compensation for loss of office or employment, as may be prescribed, if—

(*a*) such staff members and employees are not employed by the Authority or another statutory authority within three months of the commencement of this section; or

(*b*) in the case of public officers,

(i) do not continue to be public officers; and

(ii) are not given the option referred to in section 23.

Responsibility of officers

25. (1) All officers charged with the receipt, accounting for, or disbursement of moneys or with the custody or delivery of stores, or other property belonging to the Authority shall be individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all property entrusted to their care, and for the due observance of all rules and regulations, and of all orders and instructions prescribed for their guidance.

(2) The Authority may require any officer or servant in its service to give security to its satisfaction for the due performance of his duties.

Financial Provisions

Financial

26. (1) The Authority shall so exercise and perform its functions as to ensure that its revenues are not less than sufficient to—

(*a*) pay instalments of compensation required by section 39;

(*b*) cover operating expenses, including taxes, if any, and to provide adequate maintenance and depreciation, and interest payments on borrowings;

(*c*) meet periodic repayment on long term indebtedness to the extent that any such repayment exceeds the provisions for depreciation;

(*d*) create reserves for the purpose of future expansion;

and the sums required for any of the purposes of the Authority shall be met out of the funds and resources of the Authority.

(2) Subject to subsection (1), the Authority may, in such manner as is considered appropriate, but subject to the approval of the Minister of Finance, borrow sums required by it for meeting any of its obligations and discharging any of its functions.

Funds and resources of Authority

27. The funds and resources of the Authority shall consist of—

(*a*) such amounts as may be appropriated therefor by Parliament;

(*b*) all sums from time to time received by or falling due to the Authority in respect of its operations;

(*c*) sums borrowed by the Authority for the purpose of meeting any of its obligations or discharging any of its functions; and

(*d*) all other sums or property that may in any manner become payable to or vested in the Authority in respect of any matter incidental to its powers and duties.

Guarantee of borrowings of Authority

28. (1) The Treasury may guarantee in such manner and on such conditions as it thinks fit the payment of the principal and interest in respect of any borrowing of the Authority under subsection (2) of section 26.

(2) Where the Minister of Finance is satisfied that there has been default in the repayment of any principal monies or interest guaranteed under the provisions of this section, he shall direct the repayment out of the general assets and revenue of Trinidad and Tobago of the amount in respect of which there has been such default.

(3) The Authority shall make to the Treasury, at such times and in such manner as the Minister of Finance may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rates as the Minister of Finance may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

Application of revenue

29. (1) The revenue of the Authority for any financial year shall be applied in defraying the following charges—

(*a*) the remuneration, fees and allowances of the Commissioners or of any committee of the Authority;

(*b*) the salaries, fees, remuneration and gratuities, (including payments for the maintenance of the Pension Scheme authorised by this Act) of the officers, agents and servants, and technical and other advisers, of the Authority;

(*c*) instalments of compensation required by section 39, and working operations and establishment expenses and expenditure on, or provision for, the maintenance of any of the works or installations of the Authority, and the insurance of the same and the discharge of the functions of the Authority properly chargeable to revenue account;

(*d*) interest on any debenture and debenture stock or other security issued, and on any loan raised by, the Authority;

(*e*) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security or the repayment of other borrowed money;

(*f*) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Authority having regard to the amount set aside out of the revenue under paragraph (*e*);

(*g*) any other expenditure authorised by the Authority and properly chargeable to revenue account.

(2) Notwithstanding anything to the contrary in subsection (3) of section 11, references to interest on loans raised by the Authority and the repayment of other borrowed money in paragraphs (*d*) and (*e*) of subsection (1), respectively, shall be deemed to include a reference to interest and repayment of the loan the subject of the agreement referred to in the said subsection (3) of section 11, in such proportion and in such manner as the Governor-General may direct.

(3) The balance of the revenue of the Authority shall be applied to the creation of reserve funds to finance future expansion or where there is already a sufficient reserve fund on the direction of the Governor-General shall be paid into the general revenue.

Authorised Investments

30. Funds of the Authority not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Authority may be invested from time to time in securities approved by the Minister for investment by the Authority.

Duty of the Authority in financial matters

31. (1) The rates and charges to be charged by the Authority for the supply of water, sewerage facilities and other services and facilities shall be in accordance with such rates and charges as may, from time to time, be fixed by or under this Act or any other enactment.

(2) Subsection (1) does not prevent the Authority from charging other rates and charges by special agreement under the provisions of this Act.

(3) Where the Authority is by this Act empowered to fix rates and charges for the supply of water, sewerage facilities and other services and facilities, the Authority shall not—

(*a*) show undue preference as between consumers or rate payers similarly situated;

(*b*) exercise undue discrimination as between persons similarly situated, having regard to the place and time of supply, the quantity of water supplied, the regularity of supply, and the purposes for which the supply is taken; and

(*c*) supplement its revenues in respect of its operations under Part III or Part IV by undue preference as between ratepayers under Part IV and consumers under Part III.

Accounting of Authority

32. (1) All decisions, orders, rules and regulations relating to the financial operations of the Authority and authorised by this Act shall be made by resolution of the Authority at a meeting thereof and shall be recorded in the minutes of the Authority.

(2) Subject to this Part, the Authority shall keep separate and proper accounts and other records in respect of its operations under Parts III and IV, and shall cause to be prepared separate statements in respect of both for each financial year.

(3) The accounts of the Authority shall be audited by auditors to be appointed annually by the Authority or under the supervision of the Director of Audit in accordance with the Exchequer and Audit Ordinance, 1959, if so directed by resolution of Parliament. No. 20 of 1959

(4) After the end of each financial year of the Authority, the Authority shall, as soon as the accounts of the Authority have been audited, cause a copy of the statement of account to be transmitted to the Minister, together with a copy of any report made by the auditors on that statement or on the accounts of the Authority.

(5) The Minister shall cause a copy of every such statement and report to be laid before Parliament.

Cash deposits and payments

33. (1) All moneys of the Authority accruing from its operations under this Act shall be paid into the prescribed bank in separate accounts with respect to its operations under Parts III and IV, and such moneys shall, as far as practicable, be paid into the bank from day to day, except such sums as the Chief Accountant of the Authority may be authorised by regulations of the Authority to retain in his hands to meet petty disbursements for immediate payments.

(2) All payments out of the funds of the Authority except petty disbursements not exceeding such sums to be fixed by the rules, shall be made by the Chief Accountant, or on his behalf by any other officer appointed by the Authority, in accordance with the rules.

(3) Cheques against any banking account required to be kept or withdrawals from any savings bank account and bills of exchange or orders for payment of money shall be signed by the Chief Accountant or on his behalf by an officer appointed by the Authority and countersigned by the Chairman of the Authority or any member of the Authority or any officer of the Authority appointed by resolution of the Authority for the purpose; and a copy of any such resolution shall be certified by the Chairman and forwarded to the bank or banks concerned.

Rules made by the Authority

34. For the purpose of regulating and controlling its financial operations, the Authority may make rules in respect of the following matters –

(*a*) the manner in which and the officers by whom payments are to be approved;

(*b*) the bank or banks into which the moneys of the Authority are to be paid, the title of any account with any such bank, and the transfer of one fund from one account to another;

(*c*) the appointment of a Commissioner or an officer of the Authority to countersign cheques on behalf of the Chairman or in the absence of the Chairman;

(*d*) the sum to be retained by the Chief Accountant to meet petty disbursements and immediate payments and the maximum sum that may be so disbursed for any one payment;

(*e*) the method to be adopted in making payments out of the funds of the Authority; and

(*f*) generally as to all matters necessary for the proper keeping and control of the finances of the Authority.

Local Authorities as Agents of Authority

Local authorities —agents of Authority

35. (1) Notwithstanding the transfer to the Authority of the waterworks and existing sewerage systems and other property relating thereto by section 11, but subject to this section and to sections 36 to 40 the local authorities shall be deemed to be the duly appointed agents of the Authority for the purpose of the collection of all annual taxes and rates and all charges additional thereto raised and levied with respect to the waterworks under or by virtue of this Act or any other enactment.

(2) A local authority may appropriate to its own use the annual taxes or rates and such charges additional thereto, if any, that remain after paying over to the Authority such portion thereof as is determined in accordance with section 37.

Areas to which agency applies

36. For the purposes of section 35, the area in respect of which a local authority is deemed agents of the Authority for the collection of taxes or rates and charges additional thereto with respect to the waterworks is the district of the local authority.

Rules fixing proportion of rates to be paid to Authority

37. The Authority may by rules prescribe the proportion of the taxes, rates and additional charges, collected by a local authority as its agent under this Part, that shall be paid over to the Authority and such proportion shall have regard to—

(*a*) the sums, if any, required from time to time to meet the liabilities transferred to the Authority under section 11 with respect to loans to the local authorities so transferred and relating to the waterworks; and

(*b*) the amounts required to defray charges in respect of working operations and expenditure

on or provision for maintenance and development of the waterworks.

Termination of agency

38. After consultation with a local authority, the Authority may upon such terms as may be agreed between the Authority and the local authority concerned, or, in default of agreement as the Minister may determine, at any time terminate the agency created under section 35 as respects the whole or any part of the area in respect of which the agency is deemed to exist.

Compensation for Waterworks

39. Upon the termination of the agency created by section 35 the Authority shall pay to the local authority concerned compensation for the waterworks transferred to it by section 11, in such amount and by such instalments as may be agreed between the Authority and the local authority, or, in default of agreement, as the Minister may determine.

Interpretation of sections 35 to 41

40. In sections 35 to 41 "waterworks" where applying to a particular local authority has the meanings respectively assigned to it, before the commencement of this Act, in the appropriate enactment relating to that local authority, and "district" has the meaning assigned to it in subsection (6) of section 7.

Power of Authority to appoint local authorities its agents for certain purposes

41. (1) The Authority may, where it considers it necessary or expedient, appoint, upon such terms and conditions as it may determine, any local authority its agent with respect to the district of the local authority, for the purpose of—

(*a*) the administration of the water supply; and

(*b*) the provision of water supplies,

within the said district.

(2) Any amount payable to a local authority as agent of the Authority under this section shall be taken into account in determining the cost of the working operations of the Authority for the purposes of paragraph (*b*) of section 37.

PART III

WATER

Responsibility for Water and Planning

Responsibility of Authority for water

42. The Authority is responsible for maintaining and developing the waterworks and other property relating thereto transferred to it by section 11 and for administering the supply of water thereby established and promoting the conservation and proper use of water resources and the provision of water supplies in Trinidad and Tobago.

Authorisation of water purveyors

43. (1) The Authority may by Order, upon such terms and conditions as the Authority thinks fit, authorise any person to supply water to any other person in any area defined in the Order, including, if requested so to do, any person, other than a local authority or an authority established by any Ordinance repealed by this Act, who at the commencement of this Act was lawfully and regularly supplying water to any other person, and the Authority may in its discretion, alter, amend or revoke the Order.

(2) Where the Authority so authorises any person to be a water purveyor it shall incorporate such of the provisions of the Third and Fourth Schedules (subject to any modifications it thinks fit) as it considers appropriate and the water purveyor shall have and exercise such powers and perform such duties with respect to the limits of its supply (as defined in the Order) as are given to it by this Part, Part V and the Order.

(3) Subject to this Act, a water purveyor may enter into, perform and enforce such agreement with any person in relation to its water supply as it considers appropriate and in particular any such agreements with respect to the acquisition of land or water rights, the imposition and collection of water rates, if any, and the maintenance and improvement of its water supply system.

Licences to abstract water for industrial purposes

44. (1) The Authority may grant a licence upon such terms and conditions as it thinks fit authorising any person in accordance with the provisions of this Part to acquire water rights for abstraction from a watercourse of sufficient water for the purposes of any industry respecting which no other reasonably practicable means of obtaining water for the purpose are available.

(2) A licensee under this section shall have power to construct and maintain all necessary works for the purpose of impounding or diverting, abstracting and using water acquired under the provisions of this Part.

(3) In deciding whether to grant a licence under this section and in determining the conditions thereof, the Authority shall have regard to the relative importance to the public interest of the damage likely to be done to other persons by the abstraction of water as compared with the importance and necessities of the industry for which the water is required; and any person aggrieved by a decision of the Authority to grant a licence or by any of the condi-

other reasonably practicable means of obtaining water for the purpose are available.

(2) A licensee under this section shall have power to construct and maintain all necessary works for the purpose of impounding or diverting, abstracting and using water acquired under the provisions of this Part.

improvement of its water supply system.

tions attaching thereto may appeal to the Minister who may himself determine the appeal or if he thinks fit refer the matter to an arbitrator to be appointed in default of agreement by the Minister.

(4) Where the Authority so licences any such person, it shall incorporate such of the provisions of the Third and Fourth Schedules (subject to any modifications it thinks fit) as it considers appropriate, and the licensee shall have and exercise such powers and perform such duties in relation to the subject matter of the licence as are given to it by this Part and the licence.

(5) Subject to this Act, a licensee under this section may enter into, perform and enforce such agreements with any person in relation to his water supply as he considers appropriate and in particular such agreements with respect to the acquisition of land or water rights and the maintenance and improvements of his waterworks.

(6) In this section "industry" includes the oil mining industry, and irrigation and inundation for agricultural purposes.

(7) Nothing in this section or in any other provision of this Act shall be construed as abrogating any licence or derogating from any water rights granted or by such licence acquired under the provisions of the Oil and Water Board Ordinance repealed by the Seventh Schedule to this Act, but so however that the Authority may revoke any such licence.

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Power to require local authorities and water purveyors to carry out surveys and formulate proposals

45. (1) The Authority may require any local authority within the meaning of section 58 or water purveyor to—

(*a*) carry out a survey of the existing consumption of and demand for water supplies in the area where a water purveyor is supplying or is authorised to supply water or where a local authority is appointed agent of the Authority under section 41, and of the water resources

and water purveyors to carry out surveys and formulate proposals

(*a*) carry out a survey of the existing consumption of and demand for water supplies in the area where a water purveyor is supplying or is authorised to supply water or where a local authority is appointed agent of the Authority under section 41, and of the water resources in or available for that area;

(*b*) prepare an estimate of the future water supply requirements of that area;

(*c*) in the case of a water purveyor, formulate proposals for meeting the existing or future water supply requirements of that area including proposals for the joint use with the

Authority or any other water purveyor of any existing or proposed new source of water supply;

(*d*) submit a report on any of the aforesaid matters to the Authority within such time as it may specify.

(2) The Authority may itself from time to time, and shall, if so required by the Minister,

(*a*) carry out the several matters referred to in subsection (1); and

(*b*) formulate proposals for meeting the existing or future water supply requirements of Trinidad and Tobago or of any part thereof,

and shall submit a report to the Minister on any such matters or on such matters as are submitted to it pursuant to subsection (1) by a local authority or water purveyor.

Power of Authority to require records and information from persons abstracting water

46. (1) The Authority may make regulations requiring licencees and water purveyors to keep such records and furnish such returns as to the quantity and quality of water abstracted by them from any source and as to such other matters relating to the source as may be prescribed by the regulations, but so however that—

(*a*) the regulations shall not apply in a case where water is abstracted by an individual for the domestic purposes of his household only;

(*b*) in a case where the Authority is satisfied that in all the circumstances compliance with any requirement of the regulations is impracticable or undue expense would be thereby incurred, the Authority may direct that that requirement need not be complied with.

(2) The regulations may provide for the inspection of any records kept thereunder and of any apparatus used for the purpose thereof and for the taking of copies and extracts from any such records and may confer rights of entry for the purpose of exercising any of the powers aforesaid, and the provisions of Third Schedule relating to entry of premises shall apply to any such right of entry.

(3) A person who fails to comply with any requirement of the regulations is guilty of an offence.

matters relating to the source as may be prescribed by the abstracting water
regulations, but so however that—

Conservation and Protection of Water Resources

Control of abstraction and prevention of waste

47. (1) The provisions of this section shall apply to the whole of Trinidad and Tobago, except that where the Authority is satisfied that special measures for the conservation of water in any area are not necessary or expedient in the public interest for the protection of public water supplies, it may prescribe the area in question, and thereupon the provisions of this section shall cease to apply to that area.

(2) Subject to this section, no person shall begin to—

(*a*) construct any well, borehole, or other work for the purpose of abstracting underground water; or

(*b*) extend any existing well, borehole, or other work for the purpose of abstracting additional quantities of underground water,

unless he has obtained, in accordance with regulations made under this section, a licence from the Authority.

(3) Subsection (2) shall not apply to—

(*a*) the construction or extension of any well, borehole, or other work by any individual for the purpose of abstracting underground water solely and to the extent necessary for a supply of water for the domestic purposes of his household;

(*b*) the construction or extension of any well, borehole or other work, if that construction or extension is expressely authorised by any enactment; or

(*c*) any experimental boring required in connection with any such construction or extention as is referred to in paragraph (*a*) and (*b*).

(4) No person shall abstract underground water from—

(*a*) any well, borehole or other work constructed

enactment; or

(*c*) any experimental boring required in connection with any such construction or extention as is referred to in paragraph (*a*) and (*b*).

(4) No person shall abstract underground water from—

(*a*) any well, borehole or other work constructed or extended in contravention of subsection (2);

(*b*) any well, borehole or other work the construction or extension of which was made lawful by paragraph (*a*) or paragraph (*b*) of subsection (3), except for the purpose for which it was constructed or extended; or

(*c*) any boring or other work constructed or extended for any purpose other than the abstraction of underground water,

unless he has obtained, in accordance with regulations made under this section, a licence from the Authority.

(5) The Authority may, on the application of any person, grant a licence for the purposes of subsections (2) and (4), with or without conditions, or may refuse to grant such a licence, but before the Authority refuses to grant such a licence or attaches any condition thereto, it shall, if requested to do so by the applicant, grant him an opportunity to appear before and be heard by a person appointed for the purpose by the Authority.

(6) Before any person begins to construct any new boring for the purpose of searching for or extracting minerals, he shall give notice of his intention in the prescribed form to the Authority, and shall take such measures as may be required by the Authority for conserving water, being measures which in the opinion of the Authority will not interfere with the winning of minerals save that before imposing any requirements under this subsection, the Authority shall, if requested to do so by any person interested in the work, grant him an opportunity to appear before and be heard by a person appointed for the purpose by the Authority.

(7) A person who contravenes any of the foregoing provisions of this section or any requirement imposed thereunder or any condition attached to a licence granted for the purposes of subsections (2) and (4) is guilty of an offence.

(8) No person shall—

(*a*) cause or allow any underground water to run to waste from any well, borehole or other work except for the purpose of testing the extent or quality of the supply or cleaning, sterilising, examining or repairing the well, borehole or

(8) No person shall—

(*a*) cause or allow any underground water to run to waste from any well, borehole or other work except for the purpose of testing the extent or quality of the supply or cleaning, sterilising, examining or repairing the well, borehole or other work; or

(*b*) abstract from any well, borehole, or other work water in excess of his reasonable requirements,

save however that, where underground water interferes or threatens to interfere with the execution or operation of any underground works (whether waterworks or not), it shall not be an offence under this subsection to cause or

allow the water to run to waste so far as may be necessary to enable the works to be executed or operated, if no other method of disposing of the water is reasonably practicable.

(9) A person who contravenes any provision of subsection (8) is, in respect of each offence, liable on summary conviction to a fine of two hundred and fifty dollars and the court may, on the conviction of any person, order that the well, borehole or other work shall be effectively sealed or may make such other order as appears to the court to be necessary to prevent waste of water.

(10) If any person fails to comply with any such order of the court, the court may (without prejudice to the imposition of any penalty for contempt of court), on the application of the Authority, authorise the Authority to take such steps as may be necessary to execute the order, and any expenses incurred in taking any such steps shall be recoverable summarily as a civil debt from the person convicted.

Agreements as to drainage, &c., of land

48. The Authority or any water purveyor may enter into agreements with the owners and occupiers of any land, or with a local authority, with respect to the execution and maintenance by any party to the agreement of such works as the Authority or the water purveyors consider necessary for the purpose of draining that land, or for more effectually collecting conveying, or preserving the purity of, water which the Authority or the water purveyor is for the time being authorised to take.

Power to prohibit or restrict temporarily use of hosepipes

49. (1) If the Authority is of opinion that a serious deficiency of water available for distribution by it or by a water purveyor exists, or is threatened, the Authority may, for such period as it thinks necessary, prohibit or restrict as respects the whole or any part of its own water supply system or that of a water purveyor the use, for the purpose of watering private gardens or washing private motor cars, of any water supplied by them and drawn through a hosepipe or similar apparatus.

nibit or restrict temporarily use of hosepipes

In this subsection the expression "private motor car" means a motor vehicle intended or adapted for use on roads, other than a public service vehicle within the meaning of the Motor Vehicles and Road Traffic Ordinance, or a goods vehicle within the meaning of that Ordinance, and includes any vehicle drawn by a private motor car.

(2) The Authority shall, before the prohibition or restriction comes into force, give public notice in one or more newspapers circulating within Trinidad and Tobago of the prohibition or restriction and of the date when it will come into force.

(3) A person who, while the prohibition or restriction is in force, contravenes its provisions is, in respect of each offence, liable on summary conviction to a fine of twenty-five dollars.

(4) During any period when a prohibition or restriction imposed under this section is in force, any officer of the Authority or water purveyor, as the case may be, shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises to which the prohibition or restriction applies for the purpose of ascertaining whether there is or has been any contravention of the prohibition or restriction; and the provisions of the Third Schedule relating to entry of premises shall apply to any such right of entry.

Bye-laws for preventing waste, misuse or contamination of water

50. (1) The Authority may make bye-laws for preventing waste, undue consumption, misuse, or contamination of water supplied by it or by water purveyors.

(2) Bye-laws under this section may include provisions—

(*a*) prescribing the size, nature, materials, strength and workmanship, and the mode, of arrangement, connection, disconnection, alteration and repair, of the water fittings to be used; and

(*b*) forbidding the use of any water fittings which are of such a nature or are so arranged or connected as to cause or permit, or be likely to cause or permit, waste, undue consumption, misuse, erroneous measurement or contamination of water, or reverberation in pipes.

(3) If a person contravenes the provisions of any bye-law made under this section, the Authority or water

nected as to cause or permit, or be likely to cause or permit, waste, undue consumption, misuse, erroneous measurement or contamination of water, or reverberation in pipes.

(3) If a person contravenes the provisions of any bye-law made under this section, the Authority or water purveyors may, without prejudice to their right to take proceedings for a fine in respect of such contravention, cause any water fittings belonging to or used by that person which are not in accordance with the requirements of the bye-laws to be altered, repaired or replaced, and may recover the expenses reasonably incurred by them in so doing from the person in default summarily as a civil debt.

Bye-laws for preventing pollution of water of Authority, &c.

51. (1) If it appears to the Authority to be necessary for the purpose of protecting against pollution any water, whether on the surface or underground, which belongs to it or which belongs to a water purveyor or which the Authority or a water purveyor is for the time being authorised to take, the Authority may, after consultation with the Minister of Health, by bye-laws—

(*a*) define the area within which it deems necessary to exercise control; and

(*b*) prohibit or regulate the doing within that area of any act specified in the bye-laws.

Bye-laws made under this section may contain different provisions for different parts of the area defined by the bye-laws.

(2) Where an area has been defined by bye-laws under this section, the Authority or water purveyors may by notice require either the owner or the occupier of any premises within that area to execute and keep in good repair such works as they consider necessary for preventing pollution of their water and, if he fails to comply with any such requirement, he is liable on summary conviction to the same penalties as if he had committed an act prohibited by the bye-laws.

(3) An owner or occupier who considers that a requirement made on him under subsection (2) is unreasonable, may, within fourteen days after service on him of the requirement, appeal to the Minister and the Minister may determine the appeal himself or, if he thinks fit, may refer it for determination by an arbitrator to be appointed, in default of agreement, by the Minister, and the Minister or arbitrator may, if he decides that the requirement is unreasonable, modify or disallow the requirement.

(4) Where any person has failed to comply with a requirement made on him under subsection (2) and either—

(*a*) he has not appealed to the Minister against that requirement and the time for appealing has expired; or

(*b*) his appeal has been dismissed or the requirement has been modified on his appeal and he has failed to comply with the requirement as so modified;

the Authority or water purveyor may, without prejudice to their rights to take proceedings for a fine in respect of such failure, execute and keep in good repair the works

unreasonable, modify or disallow the requirement.

(4) Where any person has failed to comply with a requirement made on him under subsection (2) and either—

(*a*) he has not appealed to the Minister against that requirement and the time for appealing has expired; or

(*b*) his appeal has been dismissed or the requirement has been modified on his appeal and he has failed to comply with the requirement as so modified;

specified in the requirement as originally made or, as the case may be, as modified on appeal, and may recover the expenses reasonably incurred by them in so doing from the person in default summarily as a civil debt.

General provision as to bye-laws

52. (1) The Minister shall be the confirming authority as respects bye-laws made under sections 50 and 51 and the provisions of the First Schedule shall apply to the making and confirming of such bye-laws.

(2) The Authority or water purveyor concerned may to the same extent enforce those bye-laws.

(3) Any such bye-laws may contain provisions for imposing on any person contravening the bye-laws a fine, recoverable on summary conviction, of twenty-five dollars in respect of each offence and, in the case of a continuing offence, a further fine of one hundred dollars for each day during which the offence continues after conviction therefor.

(4) An officer of the Authority or the water purveyor concerned and authorised by them for the purpose, shall, on producing if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises in the area to which the bye-laws apply, for the purpose of—

(*a*) ascertaining whether there is or has been any contravention of the bye-laws;

(*b*) in the case of bye-laws made under section 50, exercising any right conferred on the Authority or a water purveyor by subsection (3) of that section; or

(*c*) in the case of bye-laws made under section 51,—

(i) ascertaining whether or not circumstances exist which would justify the Authority or a water purveyor making a requirement under subsection (2) of section; or

(*c*) in the case of bye-laws made under section 51,—

(i) ascertaining whether or not circumstances exist which would justify the Authority or a water purveyor making a requirement under subsection (2) of that section; and

(ii) exercising any right conferred on the Authority or a water purveyor by subsection (4) of that section to execute and maintain works,

and the provisions of the Third Schedule relating to entry of premises shall apply to any such right of entry.

Penalty for polluting water used for human consumption

53. (1) If any person is guilty of an act or neglect whereby any spring, well or adit, the water from which is used or likely to be used for human consumption, or domestic purposes, or for manufacturing food or drink for human consumption, is polluted or likely to be polluted, he is guilty of an offence.

(2) Nothing in this section shall be construed as prohibiting or restricting—

(*a*) any method of cultivation of land which is in accordance with the principles of good husbandry; or

(*b*) the reasonable use of oil or tar on any highway maintainable at the public expense, so long as the highway authority take all reasonable steps for preventing the oil or tar, or any liquid or matter resulting from the use thereof, from polluting any such spring, well or adit.

(3) An officer of the Authority or the water purveyor concerned and authorised by the Authority or water purveyor for the purpose, shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises for the purpose of ascertaining whether there is or has been any contravention of this section in relation to that spring, well or adit, and the provisions of the Third Schedule relating to entry of premises shall apply to any such right of entry.

Execution of works for protection of water

54. (1) The Authority or water purveyor concerned may on any land belonging to them, or over or in which they have acquired the necessary easements or rights, construct and maintain drains, sewers, watercourses, catchpits and other works for intercepting, treating or disposing of any foul water arising or flowing upon that land, or for otherwise preventing water, which belongs to the Authority or which belongs to the water purveyor or which the Authority or a water purveyor is for the time being authorised to take, from being polluted.

(2) The Authority or any water purveyor proposing to construct any drain, sewer or watercourse for the purposes mentioned in subsection (1), may, carry the drain, sewer or watercourse under, across or along any street, and such statutory provisions with respect to the breaking open of streets as are applicable to the Authority shall, with any necessary modifications and adaptations, apply accordingly.

Acquisition of Water Rights

Power of Authority to acquire water rights

55. (1) The Minister may, on the application of the Authority or of a water purveyor or a licensee under section 44 made through the Authority, by Order provide for the compulsory acquisition by them of such rights to take water from any stream or other source as may be specified in the Order.

(2) Where such acquisition of rights will result in the impounding of any stream, the Minister shall in any Order for the compulsory acquisition of such rights prescribe the quantity of compensation water to be provided by the Authority or the water purveyor or licensee aforesaid and shall incorporate in the Order the appropriate provisions of Part I of the Fourth Schedule subject to such modifications and adaptations as he thinks fit.

(3) Where such acquisition of rights will in the opinion of the Minister substantially reduce the flow of any stream, the Minister shall in any Order for the compulsory acquisition of such rights prescribe the extent to which and the circumstances in which water may be taken and also incorporate in the Order the appropriate provisions of Part I of the Fourth Schedule, subject to such modifications and adaptations as he thinks fit.

(4) In assessing the quantity of compensation water to be provided under any such Order or in determining the extent to which and the circumstances in which water may be taken under any such Order, the Minister shall have regard to all the circumstances of the particular case, including—

(*a*) the character and flow of the stream;

(*b*) the extent to which the stream is or may in the future be used for industrial purposes, fisheries, water supply when appropriated by the Authority or by other water purveyors, agriculture, transport or navigation;

(*c*) the effect on land drainage or on any canal or inland navigation of any alterations in the flow of the stream,

and shall secure, as far as practicable, that the flow of the stream does not fall below the minimum quantity necessary to secure the interest of public health and the protection of the rights of riparian and other land-owners.

(5) On the making of an application for an Order under subsection (1), the Authority or the water purveyor or licensee, as the case may be, shall publish once at least in each of two successive weeks in at least one newspaper circulating in Trinidad and Tobago, a notice—

(*a*) stating the general effect of the Order;

(*b*) specifying a place where a copy of the draft Order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice;

(*c*) stating that within the said period, any person may by notice to the Minister object to the application.

(6) A person who is aggrieved by any provision of the draft Order may object to the application for the making of the Order and the Minister may determine the objection himself or, if he thinks fit, may refer it for determination by an arbitrator to be appointed, in default of agreement by the Minister, and the Minister or arbitrator may, uphold or disallow the objection.

Public stand-pipes

56. The Authority may, in its discretion, erect, maintain and supply with water in such places within Trinidad and Tobago as it thinks fit, public stand-pipes for the public use, and may remove any such stand-pipe which, in its opinion, is no longer required, and may make regulations as to the use of water from public stand-pipes.

Miscellaneous and General

Temporary discharge of water into watercourses

57. (1) Subject to the provisions of this section, the Authority or a water purveyor who is carrying out, or who is about to carry out, the construction, alteration, repair, cleaning, or examination of any reservoir, well or borehole, line of pipes or other work forming part of its undertakings may cause the water therein to be discharged into any available watercourse and for that purpose may lay

Miscellaneous and General

Temporary discharge of water into watercourses

57. (1) Subject to the provisions of this section, the Authority or a water purveyor who is carrying out, or who is about to carry out, the construction, alteration, repair, cleaning, or examination of any reservoir, well or borehole, line of pipes or other work forming part of its undertakings may cause the water therein to be discharged into any available watercourse and for that purpose may lay and maintain in any street, whether within or outside its limits of supply, all necessary discharge pipes and apparatus, and such statutory provisions with respect to the breaking open of streets as are applicable to the Authority shall, with any necessary modifications and adaptations, apply accordingly.

(2) Except in a case of emergency, the Authority or a water purveyor shall have due regard to any representations which may be made to them as to the time, mode and rate of discharge with a view to avoiding or minimising injury or inconvenience therefrom.

Responsibility of Authority for sanitation connected with water

58. (1) The Authority is jointly and severally responsible with local authorities for the administration of so much of the provisions of sections 36 and 37 of the Public Health Ordinance, and of Part VI of that Ordinance as relates to all matters connected with the supply of houses with water and the protection of the public from polluted water; so however that for the purpose of the exercise of any powers and the performance of any duties under the said Part VI, of that Ordinance with respect thereto, when the Authority exercises any power or performs any duty, with reference to such matters, in conflict or at variance with the exercise or performance of that power or duty by a local authority, the exercise or performance of the power or duty by the Authority shall prevail.

(2) Subject to subsection (1), the general powers of supervision and inspection of the Minister of Health over the local authorities under the Public Health Ordinance (including the power to make bye-laws under section 15 thereof) with respect to the several matters referred to in section 14 of that Ordinance, are exercisable in relation to the Authority. Ch. 12. No. 4

(3) In this section, "local authority" includes a County Council established under the County Councils Ordinance. Ch. 12. No. 4 Ch. 39. No. 15

Application of Third and Fourth Schedules to Authority and water purveyors, &c.

59. With respect to the exercise of its powers and the performance of its duties under this Part, the provisions of the Third and Fourth Schedules shall be read as one and shall apply—

(*a*) to the Authority; and

(*b*) to a water purveyor to the extent that they are

59. With respect to the exercise of its powers and the performance of its duties under this Part, the provisions of the Third and Fourth Schedules shall be read as one and shall apply—

(*a*) to the Authority; and

(*b*) to a water purveyor to the extent that they are, and subject to such modifications as are, incorporated in the Order made by the Authority under section 43;

(*c*) to a licencee to the extent that they are, and subject to such modifications as are, incorporated in the licence granted by the Authority under section 44.

Penalty for giving false information

60. Any person who—

(*a*) in keeping any record or journal or in furnishing any return, abstract or information which he is required by or under this Part to keep or furnish, knowingly or recklessly makes any statement which is false in a material particular; or

(*b*) for the purpose of obtaining any licence from the Minister under this Part, knowingly makes any statement which is false in a material particular,

is liable in respect of each offence—

(i) on summary conviction, to a fine of two hundred and fifty dollars or to imprisonment for three months or to both such fine and imprisonment; or

(ii) on conviction on indictment, to a fine of one thousand dollars or to imprisonment for three months or to both such fine and imprisonment.

PART IV

SEWERAGE

Preliminary

Interpretation of Part IV Ch. 12. No. 4

61. (1) In this Part and in section 2 and in the Third and Fifth Schedules—

(*a*) " bye-laws " means bye-laws made by the Authority under subsection (7) of section 66;

(*b*) "collecting sewer system" means a collecting sewer together with all the house-sewers by which sewage is conveyed into the collecting sewer;

(*c*) "collecting sewer" means the common pipe, not being a street sewer into which is discharged or into which it is intended to discharge the sewage from two or more premises that conveys that sewage into a street sewer, and includes all appliances and accessories thereto;

(*d*) "house connection" means that portion of the house sewer outside the boundary of the premises;

(*e*) "house sewer" means any drain or pipe for the drainage of the sewage from a house or building, its areas, water-closets, baths, offices and stables, to a street sewer or to a collecting sewer and includes the house connection gully traps, sinks, approved traps and other accessories;

(*f*) "service pipe" means any pipe from the service stop-cock with the necessary appliances and accessories laid for the supply of water to private premises.

(*g*) "sewage" includes the waste of animal life other than stable manure, the drainings of stable water and liquid waste discharged from sinks, basins, baths, and all other water which has been used for domestic purposes or in any industrial processes, and all waste water;

(*h*) "soil pipe" means the pipe forming the connection between a watercloset and the house-sewer, and includes all necessary appliances;

(*i*) "street sewer" means all sewers, pipes, intercepting sewers, man-holes, gullies, flushing tanks, ventilating openings, or shafts concerning the sewer system on and under the roads, streets, and lands within a sewerage area;

(*j*) "watercloset" includes the necessary pan, supporting base, fitting, cisterns and other flushing arrangements, soil pipe and ventilation shaft, and any other connection usually used for collecting and conveying sewage from one place to another, but does not include the enclosing structure;

(2) For the purpose of all acts performed and things done prior to the commencement of this Act by or under the authority of the Governor-General in relation to and in construction of the sewerage works, the powers and duties of the Authority under this Part shall be deemed always to have been in existence and to have been lawfully exercised under the authority of this Act by the Authority and by the persons performing those acts and doing those things.

Responsibility for Sewerage, Sanitation and works and fittings in Buildings

Responsibility of Authority for sewerage

62. The Authority is responsible—

(*a*) for maintaining and developing,

(i) the existing sewerage system and other property relating thereto; and

(ii) all sewerage works, the construction of which is at the commencement of this Act already completed and in operation,

that are transferred to it by section 11;

(*b*) for constructing and developing such further sewerage works as it considers necessary or expedient; and

(*c*) for administering the sewerage services thereby established and providing sewerage facilities in Trinidad and Tobago.

Responsibility of Authority for sanitation and construction of sanitary conveniences in buildings

63. (1) The Authority is jointly and severally responsible with local authorities for the administration of the provisions of sections 36, 37, 55, 58C to 60, 60A (2) and (3) and 60B of the Public Health Ordinance, in relation to all matters connected with the provision of sewerage facilities in Trinidad and Tobago, including the regulation and control of works and fittings in buildings provided for by paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section 60A of that Ordinance, and the provisions of Part VII of that Ordinance are applicable to the Authority in such exercise of its responsibility; so however that for the purpose of the exercise of any power and the performance of any duty under the said sections 36, 37, 55, 58C to 60, paragraphs (*a*), (*b*) and (*c*) of subsection (1) of 60A, sections 60A (2) and (3) and 60B of that Ordinance and the provisions of Part VII of the said Ordinance so applicable thereto with respect to sanitary conveniences whether in connection with buildings or otherwise, when the Authority exercises any power or performs any duty with reference to such matters in conflict or at variance with the exercise or performance (*a*), (*b*) and (*c*) of subsection (1) of 60A, sections 60A (2) and (3) and 60B of that Ordinance and the provisions of Part VII of the said Ordinance so applicable thereto with respect to sanitary conveniences whether in connection with buildings or otherwise, when the Authority exercises any power or performs any duty with reference to such matters in conflict or at variance with the exercise or performance of that power or duty by a local authority, the exercise or performance of the power or duty by the Authority shall prevail.

(2) Subject to subsection (3), for the purpose of any power to make building bye-laws conferred under section 60A, of the Public Health Ordinance, where there is any conflict or variance between the bye-laws or building

bye-laws of the Authority and those of a local authority with reference to the same matter the bye-laws of the Authority shall prevail.

(3) The general powers of supervision and inspection of the Minister of Health over the local authorities under the Public Health Ordinance (including the power to make bye-laws under section 15 thereof) with respect to the several matters referred to in section 14 of that Ordinance, are exercisable in relation to the Authority.

(4) In this section, "local authority" includes a county council established under the County Councils Ordinance. Ch. 39. No. 15

Construction and Operation of Sewerage Works

Authority may cause sewerage works to be constructed

64. Without prejudice to the generality of section 62, the Authority may—

(*a*) cause to be constructed such underground main drainage sewers in any street, street sewers, collecting sewers and house-sewers as are necessary to complete the construction of the sewerage works and for the conveyance and disposal of the sewage thereof;

(*b*) cause to be laid down, installed, erected, and constructed all such works, pumps, machinery, appliances and accessories as may be requisite for the effective operation and working of the sewer system and for the proper conveyance and disposal of sewage;

(*c*) employ sewerage contractors, who shall be in charge of and responsible for the construction of the works mentioned in paragraphs (*a*) and (*b*), and such statutory provisions with respect to the breaking open of streets and entry of premises as are applicable to the Authority shall, with any necessary modifications and adaptations, apply to the contractors.

(*c*) employ sewerage contractors, who shall be in charge of and responsible for the construction of the works mentioned in paragraphs (*a*) and (*b*), and such statutory provisions with respect to the breaking open of streets and entry of premises as are applicable to the Authority shall, with any necessary modifications and adaptations, apply to the contractors.

Division of Trinidad and Tobago into sewerage areas

65. The Authority may by Order divide Trinidad and Tobago into separate sewerage areas for any one or more of the following purposes—

(*a*) completing the construction of or further constructing the sewerage works transferred to the Authority under section 11;

(*b*) developing the sewer system, including the existing sewerage system;

(*c*) vesting in itself any sewerage system (within the meaning of paragraph 25 of the Third Schedule);

(*d*) operating the sewerage works constructed in such areas as well as the existing sewerage system, in accordance with the provisions of this Act, notwithstanding that there remains to be completed sewerage works in any other area;

(*e*) operating a sewerage system referred to in paragraph (*c*).

Authority to enforce construction of watercloset and house sewers in each area

66. (1) On or after the commencement by the Authority of the construction of sewerage works in a sewerage area, the Authority shall give notice by advertisement or otherwise to the owner of every house, building or premises requiring him, within such time as may be limited by such notice—

(*a*) in respect of every house, building or premises within the sewerage area not having a watercloset, to construct and instal a watercloset on the premises; and

(*b*) to connect every watercloset, sink, basin, bath or other receptacle which discharges sewage, that is situated in or on any house, building or premises within the sewerage area, by means of soil pipes and a house sewer, or such portion thereof as may be necessary—

(i) to the collecting sewer, if any, or

(ii) to the house connection, if any, or

(iii) to the street sewer,

in accordance with bye-laws, or the approval of the Authority.

(2) Bye-laws made by the Authority in accordance with subsection (1) may contain provision for—

(*a*) excepting from the provisions of subsection (5) the owner of any house, building or premises, in accordance with bye-laws, or the approval of the Authority.

(2) Bye-laws made by the Authority in accordance with subsection (1) may contain provision for—

(*a*) excepting from the provisions of subsection (5) the owner of any house, building or premises, not exceeding such annual value as may be prescribed by the bye-laws upon such conditions as the Authority may determine; and

(*b*) prescribing the nature and quantity of any industrial waste as respects which an owner of any building or premises is required not to comply with the requirements of a notice under subsection (1).

(3) Nothing in paragraph (*a*) of subsection (1) shall apply to the owner of any such house, building or premises, unless a sufficient water supply is available, whether on the premises or in the street.

(4) Subsection (1) shall not apply to the owner of any premises where no part of the premises is within one hundred and fifty feet of a collecting sewer or a street sewer.

(5) If any person fails to comply with the requirements of a notice given to him under subsection (1), he is guilty of an offence and liable on summary conviction to a fine of twenty-five dollars and to a further fine not exceeding two dollars and fifty cents for every day during which the offence is continued after conviction, and the Authority may, without prejudice to its right to take proceedings for a fine in respect of such failure, by its officers and servants, enter the house, building or premises and construct those works and do other work in relation thereto in its opinion necessary; and the provisions of the Third Schedule relating to entry of premises shall apply to such right of entry.

(6) Subject to any bye-laws made by the Authority, no person shall construct or reconstruct any house or building on any premises within a sewerage area unless he first submits to the Authority for approval (in accordance with bye-laws) the plan of the watercloset, house-sewer and the connection to the street sewer, and any alteration or extension of a house-sewer already constructed.

(7) The Authority may make bye-laws for regulating the construction of sewerage works and the materials to be used therein, and such bye-laws may contain provisions prescribing the size, nature, materials, strength and workmanship, and the mode, of arrangement, connection, disconnection, alteration and repair, of the sewerage works to be used.

(8) If a person contravenes the provisions of any bye-law made under this section, the Authority may, used therein, and such bye-laws may contain provisions prescribing the size, nature, materials, strength and workmanship, and the mode, of arrangement, connection, disconnection, alteration and repair, of the sewerage works to be used.

(8) If a person contravenes the provisions of any bye-law made under this section, the Authority may, without prejudice to its right to take proceedings for a fine in respect of such contravention, cause any sewerage works belonging to or used by that person which are not in accordance with the requirements of the bye-laws to be altered, repaired or replaced, and may recover the expenses reasonably incurred by it in so doing from the person in default summarily as a civil debt.

(9) Any such bye-laws may contain provisions for imposing on any person contravening the bye-laws a fine, recoverable on summary conviction, of twenty-five dollars in respect of each offence and, in the case of a continuing offence, a further fine of one hundred dollars for each day during which the offence continues after conviction therefor.

(10) An officer of the Authority and authorised by it for the purpose, shall, on producing if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises in the area to which the bye-laws apply, for the purpose of—

(*a*) ascertaining whether there is or has been any contravention of the bye-laws, or

(*b*) exercising any right conferred on the Authority or a water purveyor by subsection (8) of that section,

and the provisions of the Third Schedule relating to entry of premises shall apply to any such right of entry.

Payment for certain Works

Payment of cost of house sewers and collecting sewers

67. (1) Where a person fails to comply with the requirements of a notice given to him under subsection (1) of section 66 and the Authority executes the work under subsection (5) thereof, such percentage of the expenses as may be prescribed, as are incurred by the Authority in constructing and installing the watercloset and in laying and constructing of any house-sewer (when there is no collecting sewer system) and of the requisite appliances and accessories thereto, shall be a debt due and be paid to the Authority by the owner of the house, building or premises in respect of which the house-sewer is laid and constructed, and, subject to subsection (3), in default, may be recovered summarily, as a civil debt.

(2) Such percentage of the expenses as may be prescribed, as are incurred by the Authority in the laying and constructing of any collecting sewer system shall be a debt due and be paid to the Authority by the owner of the house, building or premises in respect of which the house-sewer is laid and constructed, and, subject to subsection (3), in default, may be recovered summarily, as a civil debt.

(2) Such percentage of the expenses as may be prescribed, as are incurred by the Authority in the laying and constructing of any collecting sewer system shall be a debt due and be paid to the Authority by owners of those houses, buildings and premises from which sewage is conveyed into the collecting sewer in proportion to the number of points at which sewage is taken into the sewer system from the houses, buildings and premises of each owner, and subject to subsection (3), in default, may be recovered summarily as a civil debt.

(3) Where a person complies with the requirements of a notice given to him under subsection (1) of section 66, the complementary proportion of the percentage of the expenses prescribed by the Authority under subsection (1), if any, that are reasonably incurred in laying the house-sewer (when there is no collecting sewer system) and of the requisite appliances and accessories, together with an additional allowance, if the Authority so resolves, not exceeding five per cent., shall be paid to him by the Authority.

(4) Payment of the expenses referred to in subsections (1) and (2) shall be made within thirty days after demand in writing by the Authority; save that, subject to section 76, other than subsection (2) thereof (which relates to the power of the Authority to declare expenses recoverable under that section to be payable with interest by instalments), any owner who does not within the said period of thirty days pay those expenses—

(*a*) shall pay them by annual instalments of one-fifteenth part of the whole sum originally due, with interest on the principal amount from time to time remaining unpaid at the rate of not less than six per centum per annum; and

(*b*) may on seven days' notice in writing to the Authority pay off the balance or part thereof of the principal amount and any interest that may be then due.

(5) All sums, including any instalments under paragraph (*a*) of subsection (4), due and payable under this section may, without prejudice to their recovery by summary process, but subject to the provisions as to the recovery of expenses in Part V, if payment be not made within thirty days of the same becoming due, be recovered under the Rates and Charges Recovery Ordinance, as if the expenses were rates and charges within the meaning of that Ordinance process, but subject to the provisions as to the recovery of expenses in Part V, if payment be not made within thirty days of the same becoming due, be recovered under the Rates and Charges Recovery Ordinance, as if the expenses were rates and charges within the meaning of that Ordinance and the Authority was a public authority under that Ordinance.

Recovery by Authority from owner of expenses for work done

68. Where the owner of a house, building or premises is liable under this Part for repayment of the expenses of any work done by the Authority he shall pay them on demand in writing by the Authority.

Sanitary Constructors

Power of Authority to grant licences to sanitary constructors or suspend or cancel licences

69. (1) The Authority may, in accordance with such requirements as may be provided by regulations, grant licences authorising persons to construct, execute, repair or perform work, required of the owner of any house under section 66 in connection with house-sewers and water-closets as the Authority thinks fit. The persons shall be styled Licensed Sanitary Constructors, and it shall be their duty to act in accordance with this Act and any rules and regulations and to obey the orders of the Authority, or anyone authorised by the Authority. Licensed sanitary constructors shall be responsible for the acts and omissions of all those employed by them.

(2) The Authority may by regulations made under this Part prescribe fees to be paid for examinations and licences of sanitary constructors.

(3) The Authority may in its discretion suspend or cancel the licence of a sanitary constructor who is guilty of misconduct in the performance of his duties under this Part or the regulations.

(4) The grant, suspension, or cancellation, of a licence shall be published in the *Gazette* and one daily newspaper.

(5) No person other than a licensed sanitary constructor may do any work in relation to a collecting-sewer, house-sewer, watercloset or soil pipe; and notwithstanding any enactment to the contrary any unlicensed person who does that work or any person who causes it to be done by such unlicensed person is liable on summary conviction to a fine of not less than twenty-five dollars, and not more than two hundred and fifty dollars.

(6) For the purposes of this section, a person employed by the Authority whether as a servant or an independent contractor shall be deemed to be a licensed sanitary constructor with regard to work done by him [illegible] and not more than two hundred and fifty dollars.

(6) For the purposes of this section, a person employed by the Authority whether as a servant or an independent contractor shall be deemed to be a licensed sanitary constructor with regard to work done by him that is authorised by the Authority.

Miscellaneous and General

Application of Third and Fifth Schedules to Authority

70. With respect to the exercise of its powers and performance of its duties under this Part, the provisions of the Third and Fifth Schedules shall be read as one and apply to the Authority.

PART V

GENERAL AND MISCELLANEOUS

Acquisition of Land and Water Rights

Power of Authority to acquire land compulsorily

71. (1) The Authority may be authorised by means of a compulsory purchase Order made by it and confirmed by the Minister to purchase land compulsorily or to acquire water rights compulsorily under this section for any of the purposes of its water undertaking or proposed water undertaking or for any of its sewerage works or proposed sewerage works.

(2) The provisions of the Second Schedule shall have effect with respect to compulsory purchase orders made under this section.

(3) The Land Acquisition Ordinance is hereby incorporated with the foregoing provisions of this section and in construing that Ordinance "land" shall have the meaning assigned to it in this Act. Ch. 27. No. 10

Miscellaneous Powers and Duties of the Authority

Power to supply water fittings, &c.

72. (1) The Authority or a water purveyor may, on the request of any person to whom they supply or propose to supply water, or in the case of the Authority whom it has provided or whom it proposes to provide with sewerage facilities supply to him, by way either of sale or hire, any such water fittings or sanitary conveniences and appliances, as the case may be, as are required or allowed by the bye-laws, under Part III or building bye-laws referred to in Part IV, and may on such request, install, repair or alter any such water fittings or such sanitary convenience or appliance whether supplied by them or not, as the case may be, and may provide any materials and do any work required in connection with such installation, repair or alteration of water fittings or sanitary conveniences or appliances, as the case may be.

The Authority or a water purveyor may make such charges as may be agreed or, in default of agreements, as may be reasonable for any fittings or sanitary convenience or appliance supplied, or any materials provided or work done, under this subsection and may recover such charges summarily as civil debts.

(2) Any fittings or sanitary conveniences or appliances let for hire by the Authority or a water purveyor, as the case may be,

(*a*) shall, notwithstanding that they be fixed to some part of the premises in which they are situated or be laid in the soil thereunder, continue to be the property of, and removable by, the Authority or a water purveyor; and

(*b*) shall not be subject to distress or to the landlord's remedy for rent, or be liable to be taken in execution under any process of any court or in any proceedings in bankruptcy against the persons in whose possession they may be,

so however that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(3) If any person wilfully or negligently injures or suffers to be injured any water fitting or sanitary convenience or appliance belonging to the Authority or a water purveyor, he is liable on summary conviction to a fine of twenty-five dollars and the Authority or a water purveyor may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender summarily as a civil debt.

Authority to provide domestic supply and sewerage facilities for new buildings

73. (1) Where an owner of land proposes to erect thereon buildings for which a supply of water for domestic purposes will be needed, he may make application requesting the Authority—

(*a*) to construct any necessary service reservoirs, to lay the necessary mains to such point or points as will enable the distribution system concerning such buildings to be connected thereto at a reasonable cost and to bring water to that point or those points;

(*b*) subject to Part IV, to construct the necessary sewerage facilities,

and the Authority as will enable the distribution system concerning such buildings to be connected thereto at a reasonable cost and to bring water to that point or those points;

(*b*) subject to Part IV, to construct the necessary sewerage facilities,

and the Authority may, if it thinks fit, subject as hereinafter provided, accede to that request.

(2) In subsection (1) "distribution system" means a system of mains privately laid by a person in connection with a building or building area in accordance with any requirements pursuant to sections 36 and 37 of the Public Health Ordinance.

(3) The Authority before entertaining such application—

(*a*) in the case of the construction of the necessary service reservoirs and the provision and the laying of the necessary mains—

(i) may require the owner to undertake to pay in respect of each year a sum amounting to one-eight of the expense of providing and constructing the necessary service reservoirs and providing and laying the necessary mains as well as installing any necessary pumping equipment and appliances (less any amounts received by the Authority in respect of water supplied, whether for domestic or non-domestic purposes, in that year from those mains) until the aggregate amount of water rates payable annually in respect of the buildings when erected and in respect of any other premises connected with the said mains at the rates for the time being charged by the Authority equals or exceeds such sum as aforesaid or until the expiration of a period of twelve years, whichever first occurs; and

(ii) except where the owner is a local or public authority, may also require him to deposit with the Authority as security for payment of the said annual sums, such sum, not exceeding the total expense of constructing the service reservoirs and providing and laying the mains, as the Authority may require;

(*b*) in the case of the construction of the necessary sums, such sum, not exceeding the total expense of constructing the service reservoirs and providing and laying the mains, as the Authority may require;

(*b*) in the case of the construction of the necessary sewerage facilities, may require the owner to enter into such arrangements for meeting the expenses involved as is provided by regulations.

(4) Any question arising under paragraph (*a*) of subsection (1), as to the points to which mains must be taken in order to enable buildings to be connected thereto at a reasonable cost shall, in default of agreement, be determined by the Minister.

Liability for and Recovery of Water Rates and Sewerage Rates

Liability for and recovery of, water rates and sewerage rates

74. (1) Subject to section 75, water rates and sewerage rates payable to the Authority, shall be payable and recoverable in accordance with the provisions of this section and not otherwise.

(2) Except where an owner of premises who is not himself the occupier thereof is liable by or under any enactment, or by agreement with the Authority, to pay the water rate or sewerage rate for a supply of water or for sewerage facilities to those premises, the water rate and sewerage rate respectively shall be payable by the occupier of the premises.

(3) Where premises not supplied with water by the Authority is within a quarter of a mile of a public stand pipe the water rate shall be payable by the owner thereof, and the water rate shall be recoverable in the manner in which water rates are recoverable under the Rates and Charges Recovery Ordinance.

(4) The water rate and sewerage rate payable by any person may after a demand therefor be recovered from the person liable therefor by the Authority either summarily as a civil debt, or as a simple contract debt in any court of competent jurisdiction.

(5) Subject as hereinafter provided and to the provisions of subsection (6) where a person fails to pay within seven days after a demand therefor any instalment of a water rate or sewerage rate payable by him in respect of any premises, the Authority may cut off the supply of water to the premises and recover the expenses reasonably incurred by it in so doing in the same manner as the instalment due, save that if, before the expiration of the said seven days, notice in writing is given to it that there is a dispute as to the amount due in respect of the water rate or sewerage rate, or as to the liability to pay the rate, the Authority shall not cut off the supply of water until the dispute has, on the application of either party, been settled by a court of summary jurisdiction, but only if the occupier tenders the amount due in respect of the water rate or sewerage rate, as the case may be, without prejudice to the dispute.

within seven days after a demand therefor any instalment of a water rate or sewerage rate payable by him in respect of any premises, the Authority may cut off the supply of water to the premises and recover the expenses reasonably incurred by it in so doing in the same manner as the instalment due, save that if, before the expiration of the said seven days, notice in writing is given to it that there is a

(6) Where, at the date when an instalment of a water rate or sewerage rate in respect of any premises becomes due, the owner of the premises is liable by or under any enactment, or by agreement with the authority, to pay the water rates for the supply of water to those premises or to pay the sewerage rates and is not himself the occupier thereof, the Authority shall not cut off the supply of water to the premises for a failure by him to pay any such instalment, but the instalment, without prejudice to the right of the Authority to enforce payment thereof by him, may be recovered by it either from the owner for the time being, or, subject as hereinafter provided, from the occupier for the time being, of the premises, in the manner in which water rates and sewerage rates are recoverable.

(7) Where the occupier of such premises is not the owner thereof—

(*a*) proceedings shall not be commenced under subsection (6) against the occupier until notice has been given to him requiring him to pay the amount due out of any rent which is then due, or which may thereafter become due, from him, and he has failed to comply with the notice; and

(*b*) no greater sum shall be recoverable at any one time from the occupier than the amount of rent, which is owing by him, or which has accrued since such notice as aforesaid was given to him; and

(*c*) if the occupier, as between himself and the owner of the premises, is not liable to pay the water rate or sewerage rate he shall be entitled to deduct from the rent payable by him any sum paid by him in compliance with the notice, or so recovered from him.

(*c*) if the occupier, as between himself and the owner of the premises, is not liable to pay the water rate or sewerage rate he shall be entitled to deduct from the rent payable by him any sum paid by him in compliance with the notice, or so recovered from him.

(8) In this section the expression "water rate" includes any additional charge payable to the Authority in respect of a supply of water for domestic purposes.

(9) Notwithstanding anything in this Act to the contrary, but subject to section 75, sewerage rates shall be payable by the person liable therefor from the expiration of the notice given under subsection (1) of section 66 or

from the date when the house, building or premises is first served with sewerage facilities, whichever is the earlier.

Transitional provision concerning water and sewerage rates

75. (1) Notwithstanding any agreement or rule of law to the contrary, where a house, building or premises is at the commencement of this Act, supplied with water by the Authority or is served with sewerage facilities, until the owner thereof gives notice in writing to the Authority of the name of the occupier and the Authority makes demand on such occupier therefor, the water rates and sewerage rates in respect of such house, building or premises shall be payable by the owner thereof.

(2) In this section a reference to a house, building or premises served with sewerage facilities shall be construed so as to include a reference to a house, building or premises in respect of which a notice given under subsection (1) of section 66, has expired.

Provisions as to recovery of expenses, etc.

Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments

76. (1) Where the Authority has incurred, or is deemed by reason of the transfer of rights and obligations under section 11, to have incurred expenses for the repayment of which the owner of the premises in respect of which the expenses were incurred is liable, either under this Act, or under any enactment repealed thereby, or by agreement with the Authority, those expenses, together with interest from the date of service of a demand for the expenses, may be recovered by the Authority from the person who is the owner of the premises at the date when the works are completed, or, if he has ceased to be the owner of the premises before the date when a demand for the expenses is served, either from him or from the person who is the owner at the date when the demand is served, and, as from the date of the completion of the works, the expenses and interest accrued due thereon shall, until recovered, be a charge on the premises and on all estates and interests therein.

(2) The Authority may by Order declare any [illegible] is served, either from him or from the person who is the owner at the date when the demand is served, and, as from the date of the completion of the works, the expenses and interest accrued due thereon shall, until recovered, be a charge on the premises and on all estates and interests therein.

(2) The Authority may by Order declare any expenses recoverable by it under this section to be payable with interest by instalments within a period not exceeding fifteen years, until the whole amount is paid.

(3) Any instalment and interest, referred to in subsection (2), of this section or in subsection (4) of section 67, or any part thereof may be recovered from the owner or

occupier for the time being of the premises in respect of which the expenses were incurred, and, if recovered from the occupier, may be deducted by him from the rent of the premises; but so however that an occupier shall not be required to pay at any one time any sum in excess of the amount which was due from him on account of rent at, or has become due from him on account of rent since, the date on which he received a demand from the Authority together with a notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

An Order may be made under this subsection at any time with respect to any unpaid balance of expenses and accrued interest; so however, that the period for repayment shall not in any case extend beyond fifteen years from the service of the first demand for the expenses.

(4) The rate of interest chargeable under subsection (1) or subsection (2) shall be such rate as the Authority may determine; except that the Minister may from time to time by order fix a maximum rate of interest for the purpose of this section generally, or different maximum rates for different purposes and in different cases.

(5) The Authority shall, for the purposes of enforcing a charge under this section, have all the same powers and remedies under the Conveyancing and Law of Property Ordinance and otherwise as if it was a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver. Ch. 27. No. 121

Limitation of liability of certain owners

77. Where the Authority claims to recover any expenses under this Act from a person as being the owner of the premises in respect of which the expenses were incurred and that person proves that he—

(*a*) is receiving the rent of those premises merely as agent or trustee for some other person; and

(*b*) has not, and since the date of the service on him of a demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the Authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid, but the Authority may in such case recover the whole or any unpaid balance thereof from the person on whose behalf the agent or trustee receives the rent.

Miscellaneous

Judges and justices not to be disqualified by liability to rates

78. A judge of any court or a justice of the peace shall not be disqualified from acting in cases arising under this Act by reason only of his being as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or fund out of which any expenses of the Authority are to be defrayed.

Penalty for obstructing execution of Act

79. A person who wilfully obstructs any person acting in the execution of this Act, or of any regulation, bye-law, Order or warrant made or issued thereunder is, in any case for which no other provision is made by this Act, liable to a fine of twenty-five dollars and for each subsequent offence to a further fine of fifty dollars.

Power to require occupier to permit works to be executed by owner

80. If on a complaint made by the owner of any premises, it appears to a court of summary jurisdiction that the occupier of those premises prevents the owner or any person authorised by him from executing any work which he is by or under this Act, required to execute, the court may order the occupier to permit the execution of the work.

Continuing offences and penalties

81. Where provision is made by or under this Act for the imposition of a daily penalty in respect of a continuing offence, the court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court and, where a court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

Recovery of expenses, &c.

82. Any sum that the Authority is entitled to recover under this Act, and with respect to the recovery of which provision is not made by any other section of this Act, may be recovered either summarily as a civil debt, or as a simple contract debt in any court of competent jurisdiction.

Offences and penalties

83. A person who contravenes or fails to comply with any of the provisions of this Act is guilty of an offence, and any person guilty of an offence against this Act, except where the provision by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine of two hundred and fifty dollars, and in the case of a continuing offence to a further fine of twenty-five dollars for each day during which the offence continues after conviction therefor.

Regulations

84. (1) The Authority may make regulations for the purpose of carrying this Act into effect.

(2) Such regulations may contain provisions for imposing on any person contravening the regulations, a fine, recoverable on summary conviction of two hundred and fifty dollars in respect of each offence and, in the case of a continuing offence, a further fine of twenty-five dollars for each day during which the offence continues after conviction therefor.

Legal proceedings

85. Legal proceedings may, in any court of summary jurisdiction be conducted on behalf of the Authority.

(*a*) by the Secretary or the Executive Director,

(*b*) by any other officer of the Authority appointed so to do by resolution of the Authority, a copy of which purporting to be certified under the hand of the Secretary shall be sufficient evidence of the contents thereof.

Exemption from taxes

86. (1) Notwithstanding any rule of law to the contrary, the Governor-General may by Order exempt the Authority in whole or in part from the payment of any tax imposed by or under any enactment.

(2) In this section "tax" includes assessments, fees, charges, imposition and such other levies as form part or are intended to form part of the general revenue.

Repeal

87. The Central Water Distribution Authority Ordinance is hereby repealed.

Public Health Ordinance amended Ch. 12. No. 4 Sixth Schedule

88. The Public Health Ordinance is amended in the manner set out in the Sixth Schedule.

Ordinances amended Seventh Schedule

89. The enactments specified in the first column of the Seventh Schedule shall have effect subject to the amendments respectively specified in relation thereto in the second column of that Schedule.

Commencement

90. This Act shall come into operation on a date to be fixed by proclamation of the Governor-General published in the *Gazette*.

Act binds the Crown

91. This Act binds the Crown.

(Section 52)

FIRST SCHEDULE

Bye-laws made by the Authority under Part III of the Act

1. Bye-laws to which this Schedule applies shall be made under the common seal of the Authority, and shall not have effect until they are confirmed by the Minister.

2. At least one month before application for confirmation of the bye-laws is made notice of the intention to apply for confirmation shall be published in the *Gazette* and in at least one newspaper circulating in Trinidad and Tobago.

3. For at least one month before such application is made, a copy of the bye-laws shall be deposited at the offices of the Authority and of any water purveyor concerned and shall at all reasonable hours be open to public inspection without payment.

4. The Authority or water purveyor shall, at the request of any person interested, furnish to him a copy of the proposed bye-laws upon payment of such sum not exceeding twenty-five cents as they think reasonable.

5. The Minister may confirm, or refuse to confirm, any bye-law submitted to him under this Schedule for confirmation, and may fix the date on which the bye-law is to come into operation but if no date is so fixed the bye-law shall come into operation at the expiration of one month from the date of its confirmation.

6. A copy of the bye-laws, when confirmed, shall be printed and published in the *Gazette* and a copy thereof deposited at the offices of the Authority or water purveyor concerned and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum not exceeding twenty-five cents as the Authority thinks reasonable.

7. The production of a printed copy of the bye-laws, upon which is endorsed a certificate purporting to be signed by the Secretary of the Authority, stating—

(*a*) that the bye-laws were made by the Authority;

(*b*) that the copy is a true copy of the bye-laws;
Authority thinks reasonable.

7. The production of a printed copy of the bye-laws, upon which is endorsed a certificate purporting to be signed by the Secretary of the Authority, stating—

(*a*) that the bye-laws were made by the Authority;

(*b*) that the copy is a true copy of the bye-laws;

(*c*) that on a specified date the bye-laws were confirmed by the Minister;

(*d*) the date, if any, fixed by the Minister for the coming into operation of the bye-laws,

shall be *prima facie* evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this paragraph.

(Section 71)

SECOND SCHEDULE

COMPULSORY PURCHASE ORDER

PART I

Form, contents, procedure, compensation and arbitration

1. A Compulsory Purchase Order authorising a compulsory purchase by the Authority for any of the purposes stated in section 71 (1) of this Act shall be made by the Authority and submitted to and confirmed by the Minister in accordance with the following provisions of this Schedule.

2. The Compulsory Purchase Order shall be in the form prescribed and shall describe by reference to a map the land to which it applies and shall incorporate, *mutatis mutandis,* the Land Acquisition Ordinance (except sections 4 to 9, 14, 44 and 50 to 54 thereof) subject to the modifications mentioned in paragraph 3.

3. The modifications subject to which the Land Acquisition Ordinance shall be incorporated in the Order are as follows:—

(*a*) the powers conferred by section 3 may be exercised upon publication by the Authority in a newspaper circulating in Trinidad and Tobago of notice in the prescribed form of the intention to acquire any land for any of the purposes of its undertaking;

(*b*) in assessing the compensation payable under section 11:

(i) the value of the land shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realize at the date of entry or date of notice to treat which ever be the first and shall further be subject to the provisions of section 61 of the Waterworks and Water Conservation Ordinance, Ch. 15. No. 2;

(ii) no account shall be taken of any outlay on or improvement or alteration to the land, or of any interest created in land after the date on which notice of the order having been made is published in accordance with the provisions of the Schedule, if, in the opinion of the person assessing the compensation, the outlay or improvement or alteration or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation.

4. Before submitting the Order to the Minister the Authority shall—

(*a*) publish in at least one newspaper circulating in Trinidad and Tobago a notice in the prescribed form stating that such an Order has been made and is about to be submitted for confirmation and the purpose for which the land is required, describing the land and naming a place where a copy of the Order and the map referred to thereon may be seen at all reasonable hours, and specifying the time within which

ably necessary and was carried out with a view to obtaining
or increasing compensation.

4. Before submitting the Order to the Minister the Authority shall—

(*a*) publish in at least one newspaper circulating in Trinidad and Tobago a notice in the prescribed form stating that such an Order has been made and is about to be submitted for confirmation and the purpose for which the land is required, describing the land and naming a place where a copy of the Order and the map referred to thereon may be seen at all reasonable hours, and specifying the time within which and the manner in which objections to the Order can be made;

(*b*) except in so far as the Minister directs that this provision shall not have effect in any particular case, serve on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land to which the Order relates a notice in the prescribed form stating the effect of the Order and that it is about to be submitted to the Minister for confirmation and specifying the time within and the maner in which objections thereto can be made;

(*c*) in the case of any land with respect to which a direction is given under subparagraph (*b*) of this paragraph, affix to some conspicuous object or objects on the land a notice or notices in the prescribed form addressed to "the owners and any occupiers" of the land (describing it) containing the particulars specified in the said subparagraph (*b*).

5. (1) If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, then subject to the provisions hereinafter in this Schedule contained, the Minister may, if he thinks fit, confirm the Order with or without modification but in any other case he shall, before confirming the Order, either cause a public local enquiry to be held or afford to any person by whom any objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose and, after considering the objection and the report of the person who held the inquiry or the person appointed aforesaid, may confirm the Order with or without modification.

(2) If any person by whom an objection has been made avails himself of the opportunity of being heard the Minister shall afford to the Authority and to any other persons to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.

(3) Notwithstanding anything in the last two foregoing subparagraphs the Minister may require any person who has made an objection to state in writing the grounds thereof, and may confirm the Order without granting a hearing or causing a public local inquiry to be held if the Minister is satisfied that the objection relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed.

(4) An Order as confirmed by the Minister shall not, unless all persons interested consent, authorise the Authority to purchase compulsorily any land which the Order would not have authorised it so to purchase if it had been confirmed without modification.

PART II

Validity, date and manner of operation

6. So soon as may be after the Order has been confirmed the Authority shall publish in one or more newspapers circulating in Trinidad and Tobago a notice in the prescribed form stating that the Order has been confirmed and naming a place where a copy of the Order as confirmed and of the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Minister of his objection appeared at the public local inquiry in support of his objection, and such notice from the Minister shall state the grounds on which the objection failed.

notice in the prescribed form stating that the Order has been confirmed and naming a place where a copy of the Order as confirmed and of the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Minister of his objection appeared at the public local inquiry in support of his objection, and such notice from the Minister shall state the grounds on which the objection failed.

7. If any person aggrieved by such an Order as aforesaid desires to question the validity thereof on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks after the publication of the notice of confirmation of the Order, make an application for the purpose to the High Court, and where any such application is duly made, the Court—

(*a*) may, by interim order, suspend the operation of the Order, either generally or in so far as it affects any property of the applicant until the final determination of the proceedings; and

(*b*) if satisfied upon the hearing of the application that the Order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the Order, either generally or in so far as it affects any property of the applicant.

8. Subject to the provisions of the last foregoing paragraph, the Order shall not be questioned by prohibition or certiorari or in any legal proceedings whatsoever, either before or after the Order is confirmed, and shal become operative at the date on which notice of confirmation of the Order is published in accordance with the provisions of this Schedule.

9. (1) The Authority may, at any time within three years after the publication of the confirmation of the Order, demand in the prescribed form from all the parties interested in the land the particulars of their estate and interest in such lands and of the claims made by them in respect thereof; and every such notice shall state the particulars of the lands so required and that the Authority is willing to treat for the purchase thereof, and as to the compensation to be made to all the parties for the damage that may be sustained by them by reason of the execution of the works.

(2) If for thirty days after the service of the notice to treat any party fails to state the particulars of his claim in respect of any such land or to treat with the Authority in respect thereof, or if any party and the Authority do not agree as to the amount of compensation to be paid by the Authority for the interest in the lands belonging to such party or which he is enabled to sell, or for any damage that may be sustained by him by reason of the execution of the work, the amount of such compensation may be settled in the manner provided for by the Land Acquisition Ordinance.

10. Where the owner of any land the subject of an Order which has been confirmed, or of any interest therein—

(*a*) on tender of the purchase-money or compensation either agreed or awarded to be paid in respect thereof, refuses to accept the same, or neglects or fails to make out a title to such lands, or to the interest claimed by him, to the satisfaction of the Authority, or

(*b*) refuses to convey or release such lands as directed by the Authority, or cannot after diligent enquiry be found,

the Authority may deposit the purchase-money or compensation payable in respect of such lands, or any interest therein, in the Central Bank in the name and with the privity of the Registrar of the High Court to be placed to his account there to the credit of the parties interested in such lands, describing them so far as the Authority is able, but subject to the control and disposition of the High Court.

11. (1) Upon the deposit of the purchase-money or compensation payable in respect of such land or any interest therein under paragraph 10, such land

the Authority may deposit the purchase-money or compensation payable in respect of such lands, or any interest therein, in the Central Bank in the name and with the privity of the Registrar of the High Court to be placed to his account there to the credit of the parties interested in such lands, describing them so far as the Authority is able, but subject to the control and disposition of the High Court.

11. (1) Upon the deposit of the purchase-money or compensation payable in respect of such land or any interest therein under paragraph 10, such land

or the interest therein shall vest in the Authority without further conveyance for the purposes specified in the Order; and in the case of land that is held under Part III of the Real Property Ordinance and upon production of proof to the satisfaction of the Registrar General that the requirements of paragraph 10 and the other provisions of this Schedule have been complied with, the Registrar General shall do all things necessary to effect the transfer of such land as if a memorandum of transfer or other instrument purporting to transfer the land under the provisions of that Ordinance had been executed.

(2) Every duplicate grant or certificate of title in respect of land that is to be transferred under subparagraph (1) shall on demand by the Registrar General therefor be surrendered to him by the person in possession thereof, to be dealt with under the provisions of the Real Property Ordinance as if upon a transfer of land under that Ordinance.

(3) In the case of land that is not held under the Real Property Ordinance, the transfer of the land under subparagraph (1) shall be entered in the protocol of deeds upon production of proof to the satisfaction of the Registrar General that the requirements of paragraph 10 and the other provisions of this Schedule have been complied with.

(4) If any person fails to comply with the requirements of subparagraph (2) he is guilty of an offence and liable on summary conviction to a fine of five hundred dollars, and in the case of a continuing offence to a further fine of one hundred dollars for each day during which the offence continues after conviction therefor.

(5) Except as may be otherwise prescribed no fee is payable to the Registrar General for things done in his office under this paragraph.

12. Notwithstanding anything in this Schedule to the contrary, the Authority after serving notice to treat and after serving on the owner, lessee or occupier of the land not less than fourteen days' notice, may enter on and take possession of the land or such part thereof as is specified in the notice, without previous consent, but subject to the payment of the like compensation for the land for which possession is taken and interest on the compensation as would have been payable if the provisions of this Schedule had been complied with

13. In every case not within the contemplation of paragraph 11, the completion of the purchase shall be governed by the terms of the contract in accordance with the ordinary law relating to sale and purchase of land; and the costs of conveyance, including the cost of deducing evidence of and verifying title and of furnishing abstracts and all other reasonable expenses incidental to the investigation of title shall be borne by the Authority.

14. Nothing in this Schedule shall be deemed to prevent the acquisition of land by private treaty for the purposes of this Act either before the making or confirmation of the Order or before the service of notice to treat.

PART III

General

15. Anything required or authorised by this Schedue to be prescribed shall be prescribed by regulations made by the Minister.

16. (1) Where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

(2) If the Minister having jurisdiction to confirm or make the order in

General

15. Anything required or authorised by this Schedue to be prescribed shall be prescribed by regulations made by the Minister.

16. (1) Where the person to be served has furnished an address for service, his proper address for the purposes aforesaid shall be the address furnished.

(2) If the Minister having jurisdiction to confirm or make the order in connection with which the document is to be served is satisfied that reasonable inquiry has been made and that it is not practicable to ascertain the name or addresses of an owner, lessee or occupier of land on whom any such document as aforesaid is to be served, the document may be served by addressing it to him by the description of "owner", "lessee" or "occupier" of the land (describing it) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it may be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

(Sections 22 (2), 49 (4), 52 (4), 53 (3), 57 and 70)

THIRD SCHEDULE

GENERAL PROVISIONS APPLICABLE TO THE AUTHORITY UNDER PARTS III AND IV OF THE ACT AND TO BE INCORPORATED IN ORDERS RELATING TO WATER PURVEYORS AND IN LICENCES GRANTED UNDER SECTION 44 OF THE ACT

Preliminary

1. (1) In this Schedule and in the Fourth and Fifth Schedules— Interpretation

"Act" means the Water and Sewerage Act, 1965;

"authorised" means authorised by the Act, or in the case of a water purveyor by an Order;

"building" includes a part of a building if that part is separately occupied;

"factory" means a factory within the meaning of the Factories Ordinance; Ch. 30. No. 2

"limits of supply" in relation to any water undertaking, means the limits within which the undertakers are for the time being authorised to supply water;

"local authority" has the same meaning as in section 2 of the Act and includes any county council established under the County Council Ordinance; and "district" in relation to the local authority has the meaning assigned to it in subsection (6) of section 7 of the Act; Ch. 39. No. 15 Supp. Vol. I Ch. 12. No. 4

"Order" means the Order made by the Authority in respect of a water purveyor or under section 43 of the Act, and includes a licence issued by the Authority under section 44 of the Act.

"sewer" includes the sewerage works vested in the Authority under section 11 of the Act;

"undertakers" means the Authority and includes a water purveyor or a licencee under section 44 of the Act in respect of whom the appropriate provisions of this and the Fourth Schedule are incorporated in the Order.

(2) Any reference in this Schedule to the persons having the control or management of a street or bridge shall be construed as a reference, in the case of a highway or bridge maintainable at public expense, to the Chief Technical Officer (Works), and, in the case of any other street or bridge, to the authority or person responsible for the maintenance thereof, or, if no person or Authority is responsible therefor, to the owners of the soil of the street or, as the case may be, of the structure of the bridge.

(2) Any reference in this Schedule to the persons having the control or management of a street or bridge shall be construed as a reference, in the case of a highway or bridge maintainable at public expense, to the Chief Technical Officer (Works), and, in the case of any other street or bridge, to the authority or person responsible for the maintenance thereof, or, if no person or Authority is responsible therefor, to the owners of the soil of the street or, as the case may be, of the structure of the bridge.

(3) Where in this Schedule or the Fourth and Fifth Schedules, a highway is expressed to be maintainable at the public expense, that expression means that the highway is so maintainable at the expense of the public generally and not at the expense of a particular portion of the public, whether the expense is met wholly or partly out of public funds or otherwise; and a highway in any other case shall be held to continue so to be, notwithstanding that the expense of the maintenance thereof will be met wholly or partly out of public funds.

PART I

Works and Lands

Permissible limits of deviation

2. (1) In the construction of any authorised works, the undertakers may deviate laterally to any extent not exceeding the limits of deviation shown on the plans and, where on any street no such limits are shown, the boundaries of the street (including for this purpose any verge or roadside waste adjoining it) shall be deemed to be such limits, and they may also deviate vertically from the levels shown on the said plans to any extent.

(2) Notwithstanding subparagraph (1)—

(*a*) no embankment for a reservoir shall be constructed at a greater height above the general surface of the ground than that shown on the said plans and six feet in addition thereto; and

(*b*) except for the purpose of crossing a river, stream, canal, dyke, watercourse or railway, or of crossing any lands where the consent of all persons having a legal interest therein has been obtained, no pipe or other conduit or aqueduct or sewerage works shall be raised above the surface of the ground otherwise than in accordance with the said plans.

Limit on powers of water purveyor to take water

3. A water purveyor shall not construct any works for taking or intercepting water (other than works for intercepting foul water) from any lands acquired by it, unless the works are authorised by, and the lands on which the works are to be constructed are specified in, the Order.

General power to construct subsidiary works

4. Subject to the provisions of paragraph 3 and to any other provisions of the Act or Order limiting the powers of the undertakers to abstract water, the undertakers, in addition to any works specifically authorised, may in, on or over any land for the time being held by them in connection with their water undertaking construct, lay or erect for the purposes thereof, or in connection therewith, and may maintain, such reservoirs, sluices, tanks, cisterns, aqueducts, tunnels, culverts, mains, pipes, engines, pumps, machinery, filters, treatment plant, sewerage works, buildings and things for, or in connection with, the supply of water or sewerage facilities as they deem necessary.

Penalty for obstructing construction of works

5. Any person who wilfully obstructs a person engaged by, or under authority of, the undertakers in setting out the line, level or site of any authorised works, or knowingly pulls up any peg or stake driven into the grounds for the purpose of setting out such line, level or site, or knowingly defaces or destroys anything made or erected for that purpose, is liable to a fine of twenty-five dollars.

Power to

6. (1) Where under the Act the Authority is authorised

Penalty for obstructing construction of works

5. Any person who wilfully obstructs a person engaged by, or under authority of, the undertakers in setting out the line, level or site of any authorised works, or knowingly pulls up any peg or stake driven into the grounds for the purpose of setting out such line, level or site, or knowingly defaces or destroys anything made or erected for that purpose, is liable to a fine of twenty-five dollars.

Power to acquire easements for underground works
Ch. 27. No. 10

6. (1) Where under the Act the Authority is authorised to acquire any land compulsorily for the purpose of executing any underground works, it may, instead of purchasing the land, purchase only such easements and rights over or in the land as may be sufficient for the said purpose, and the provisions of the Land Acquisition Ordinance relating to the compensation payable in respect of the compulsory acquisition of land, shall apply accordingly subject to any exceptions and modifications with which that Ordinance is incorporated with the Act or Order referred to in section 71 of the Act and to any other necessary adaptations.

(2) The Authority shall not be required or, except by agreement, be entitled to fence off or sever from adjoining lands any lands in respect of which it has purchased only easements or rights under the provisions of this paragraph, and subject to those easements or rights, and to any other restrictions imposed by the Act or the said Order under paragraph 4 of the Second Schedule to the Act, the owners or occupiers for the time being of those lands shall have the same rights of using and cultivating them as if those easements or rights had not been acquired.

Persons under disability may grant easements, &c.

7. (1) Persons empowered by section 55 of the Land Acquisition Ordinance to sell and convey, or release, any lands may, subject to the provisions of that Ordinance grant to the Authority any easement or right required for the purposes of the Authority under the Act over or in these lands.

(2) Nothing in subparagraph (1) shall be construed as empowering persons to grant any easement or right of water in which any other person has an interest, unless that other person concurs in the grant. Ch. 27. No. 10

Extinction of private rights of way

8. (1) Any private right of way over land which the Authority is authorised to acquire compulsorily shall, if it so resolves and gives notice of its resolution to the owner of the right, be extinguished as from the acquisition by it of the land, or as from the expiration of one month from the service of the notice, whichever may be the later.

(2) The Authority shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation shall, in case of dispute, be settled in manner provided by the Land Acquisition Ordinance.

PART II

Minerals Underlying Waterworks or Sewerage Works

Undertakers not entitled to underlying minerals, unless expressly purchased

9. Where the undertakers purchase any land they shall become entitled to such parts of any mines or minerals under that land as it may be necessary for them to dig, carry away or use in the construction of any waterworks or sewerage works authorised by the Act or the Order, but, save as aforesaid, they shall not by virtue only of their purchase of the land become entitled to any such mines or minerals, which shall, save as aforesaid, be deemed to be excepted from the conveyance of the land unless expressly mentioned therein as conveyed thereby.

Map of underground works to be prepared and kept up to date

10 (1). The undertakers shall, within six months after the first occasion on which any pipes, or other conduits, or underground works or sewerage works are laid or constructed by them after this paragraph comes into operation with regard to an undertaker, cause the course and situation of all existing pipes or other conduits for collection, passage, or distribution of water and all sewerage works and underground works belonging to them to be marked on as conveyed thereby.

Map of underground works to be prepared and kept up to date

10 (1). The undertakers shall, within six months after the first occasion on which any pipes, or other conduits, or underground works or sewerage works are laid or constructed by them after this paragraph comes into operation with regard to an undertaker, cause the course and situation of all existing pipes or other conduits for collection, passage, or distribution of water and all sewerage works and underground works belonging to them to be marked on separate maps relating to water and sewerage (drawn in both cases on a scale not less than six inches to one mile), and shall, from time to time, within six months after the making of any alterations or additions, cause the said maps to be so corrected as to show the course and situation of all such pipes and conduits, and all such sewerage works and underground works for the time being belonging to them, and the maps, or copies thereof, bearing the date of their preparation and of every occasion on which they were corrected shall be kept at the office of the undertakers. In this subparagraph "pipes" does not include service pipes.

(2) The said maps shall at all reasonable hours be open to inspection by any person interested free of charge.

Mines lying near the works not to be worked without notice to undertakers

11. Subject to any agreement to the contrary, if the owner, lessee, or occupier of any mines or minerals lying under the reservoirs, sewerage works or buildings of the undertakers, or any of their pipes or other conduits or underground works shown on the maps referred to in the last foregoing paragraph, or lying within the prescribed distance therefrom, or, if no distance be prescribed within forty yards therefrom, desires to work the said mines or minerals, he shall give to the undertakers thirty days' notice of his intention so to do.

If undertakers unwilling to pay compensation, mines may be worked in usual manner

12. (1) Upon receipt of such a notice as aforesaid, the undertakers may cause the said mines or minerals to be inspected by any person appointed by them for the purpose, and if it appears to them that the working thereof is likely to damage any of their reservoirs, sewerage works or buildings, or pipes, or other conduits or underground works shown on the said maps, and if they are willing to pay compensation for the mines or minerals to the owner, lessee or occupier thereof, then he shall not work them, and the amount of the compensation to be paid shall, in the case of dispute, be determined by arbitration.

(2) If the undertakers have not before the expiration of the said thirty days stated their willingness to treat with the owner, lessee, or occupier for the payment of compensation, it shall be lawful for him to work the said mines and minerals, and to drain them, by means of pumps or otherwise, as if no such damage was likely to occur, so however, that no wilful damage be done to any of the said property or works of the undertakers and that the mines and minerals be not worked in an unusual manner.

(3) Any damage or obstruction occasioned to any of the said property or works of the undertakers by the working of such mines or minerals in an unusual manner shall be forthwith repaired or removed, and the damage made good, by the owner, lessee, or occupier of the mines or minerals, and if such repair or removal be not effected forthwith, or, if the undertakers deem it necessary to take action without waiting for the work to be done by the owner, lessee, or occupier, the undertakers may execute the work, and recover from the owner, lessee, or occupier the expenses reasonably incurred by them in so doing.

Power to make mining communications where continuous working is prevented

13. If the working of any such mines or minerals as aforesaid lying under the reservoirs, sewerage works or buildings of the undertakers, or any of their pipes or other conduits or underground works shown on the maps referred to in paragraph 10, or lying within the above-mentioned distance therefrom, mentioned in paragraph 11, be prevented as aforesaid by reason of apprehended injury thereto, the respective owners, lessees, and occupiers of the mines or

Power to make mining communications where continuous working is prevented

13. If the working of any such mines or minerals as aforesaid lying under the reservoirs, sewerage works or buildings of the undertakers, or any of their pipes or other conduits or underground works shown on the maps referred to in paragraph 10, or lying within the above-mentioned distance therefrom, mentioned in paragraph 11, be prevented as aforesaid by reason of apprehended injury thereto, the respective owners, lessees, and occupiers of the mines or minerals may cut and make such so many airways, headways, gateways, or water levels through the mines, measures, or strata the working thereof is so prevented as may be requisite to enable them to ventilate, drain, and work any mines or minerals on each or either side thereof, but no such airway, headway, gateway, or water level shall be of greater dimensions or sections than the prescribed dimensions or sections, or, if no dimensions are prescribed, eight feet wide and eight feet high, nor be cut or made upon any part of the said property or works of the undertakers so as to cause injury thereto.

Undertakers to pay compensation for expenses incurred by reason of severance

14. (1) Subject to any agreement to the contrary, the undertakers shall from time to time pay compensation to the owner, lessee, or occupier of any mines and minerals lying on both sides of any reservoir, sewerage works, building, pipe, or other conduit, or other works of the undertakers for any loss and additional expense incurred by him by reason of the severance of the lands above such mines or minerals by the reservoir, sewerage works, or other works, or by reason of the continuous working of such mines or minerals being interrupted as aforesaid, or by reason of their being worked under the restriction imposed by the Authority under the Act or, in the case of a water purveyor or licensee under section 44 of the Act by the Orders and also for any such mines or minerals not purchased by the undertakers as cannot be worked or won by reason of the making and continuance of the said works, or by reason of such apprehended injury from the working thereof as aforesaid.

(2) The amount of any such compensation shall, in the case of dispute, be determined by arbitration.

Undertakers may enter and inspect the working of mines

15. For the purpose of ascertaining whether any such mines or minerals as aforesaid are being, have been or are about to be worked so as to damage any of their said works, any authorised officer of the undertakers, after giving twenty-four hours' notice and on producing, if so required, some duly authenticated document showing his authority, may enter upon any lands in, on or near which the works are situate, and under which they know or suspect that any such mines are being, have been or are about to be worked, and may enter such mines and the works connected therewith, using for their entry, inspection and return any apparatus or machinery belonging to the owner, lessee, or occupier of the mines, and may use all necessary means for discovering the distance from the said works to the parts of the mines which are being, have been or are about to be worked.

Undertakers not exempted from liability for injury to mines

16. Nothing in the Act or an Order shall exempt the undertakers from liability to any action or other legal proceeding to which they would have been liable in respect of any damage or injury done or occasioned to any mines by means, or in consequence, of their waterworks, or sewerage works if those works had been constructed or maintained otherwise than by virtue of the Act or Order.

PART III

Breaking open streets, &c.

Power to break open streets

17. (1) Subject to the provisions of this Part, the undertakers may—

(*a*) within their limits of supply for the purpose of laying, constructing, inspecting, repairing, renewing or removing mains, (within the meaning of the Fourth Schedule) service pipes, plant or other works, and

(*b*) outside those limits for the purpose—

Breaking open streets, &c.

Power to break open streets

17. (1) Subject to the provisions of this Part, the undertakers may—

(*a*) within their limits of supply for the purpose of laying, constructing, inspecting, repairing, renewing or removing mains, (within the meaning of the Fourth Schedule) service pipes, plant or other works, and

(*b*) outside those limits for the purpose—

(i) of laying any mains as aforesaid which they are authorised to lay, and

(ii) of inspecting, repairing, renewing, or removing the said mains, and

(*c*) for the purpose of laying, constructing, inspecting, repairing, renewing or removing any sewerage works,

break open the roadway and footpaths of any street, and of any bridge carrying a street, and any sewer, drain or tunnel in or under any such roadway or footpath, and may remove and use the soil or other materials in or under any such roadway or footpath.

(2) The undertakers shall in the exercise of the powers conferred by this paragraph cause as little inconvenience and do as little damage as may be, and for any damage done shall pay compensation to be determined, in case of dispute, by arbitration.

Notice to be given before breaking open streets, &c.

18. (1) Not less than fourteen clear days before they commence to break open the roadway or footpath of any street or bridge, or any sewer, drain or tunnel, the undertakers shall give notice of their intention, and of the time when they propose to commence the work, to the persons having the control or management of the street, bridge, sewer, drain or tunnel in question, or to some officer of those persons authorised by them to receive such notices.

(2) Notwithstanding subparagraph (1)—

(*a*) in cases of emergency arising from defects in any pipes, plant or works, it shall be sufficient if the notice required by subparagraph (1) is given as soon as possible after the necessity for the work becomes known to the undertakers;

(*b*) where the roadway or footpath is broken open for the purposes mentioned in paragraphs 4 and 3 of the Fourth and Fifth Schedules to the Act, respectively, the notice shall be seventy-two hours instead of fourteen days.

Streets, &c., not to be broken open except under supervision of persons responsible therefor

19. (1) Subject to the provisions of this paragraph, the undertakers shall not, save in such cases of emergency as aforesaid, break open the roadway or footpath of any street or bridge, or any sewer, drain or tunnel, except under the supervision of, and in accordance with plans approved by, the persons having the control or management thereof, or their authorised officer.

(2) If any difference arises in connection with the plans submitted for approval, that difference shall be referred to the Minister.

(3) Notwithstanding anything in subparagraphs (1) and (2), if the persons having the control or management of a street, bridge, sewer, drain or tunnel, or their authorised officer, after having received such notice of the undertakers' intention as is mentioned in the said paragraphs (1) and (2), fail to question the sufficiency or propriety of any plans submitted to them, or fail to submit any alternative plans to the undertakers, or fail to attend and exercise supervision over the work, the undertakers may proceed to carry out the work.

Streets, &c., broken open to be reinstated without delay

20. (1) When, for the purpose of executing any work, the undertakers break open the roadway or footpath of any street or bridge, or any drain or tunnel, they shall with all convenient speed and to the reasonable satisfaction of the persons having the control or management thereof complete the work and fill in and consolidate the ground, and reinstate and make good the roadway or footpath, or the sewer, drain, or tunnel, as the case may be, and remove

Streets, &c., broken open to be reinstated without delay

20. (1) When, for the purpose of executing any work, the undertakers break open the roadway or footpath of any street or bridge, or any drain or tunnel, they shall with all convenient speed and to the reasonable satisfaction of the persons having the control or management thereof complete the work and fill in and consolidate the ground, and reinstate and make good the roadway or footpath, or the sewer, drain, or tunnel, as the case may be, and remove all rubbish resulting from their operations, and shall, after replacing and making good the roadway or footpath, keep it in good repair for three months and for such further time, if any, not being more than twelve months in the whole, as the soil may continue to subside.

(2) So long as any such roadway or footpath remains broken open or obstructed, the undertakers shall make adequate arrangements for the control of traffic and shall cause the roadway or footpath to be properly fenced and guarded at all times and to be efficiently lighted between the hours of sunset and of sunrise.

21. If the undertakers fail to comply with any of the requirements of paragraph 20, the persons having the control or management of the street, bridge, sewer, drain or tunnel in question, may, themselves execute any work necessary to remedy the default and may recover the expenses reasonably incurred by them in so doing from the undertakers summarily as a civil debt. Remedies where undertakers fail to comply with foregoing requirements

PART IV

General and Miscellaneous

22. The undertakers, before commencing to execute repairs or other work which will cause any material interference with the supply of water, or with the sewerage facilities, shall, except in a case of emergency, give to all consumers and to all persons served with sewerage facilities likely to be affected, such notice as is reasonably practicable and shall complete the work with all reasonable despatch. Duty of undertakers to give notice of certain works

23. (1) The rating authority of any area within which the undertakers supply water shall on application furnish to the undertakers a copy of their current assessment roll, or of such part thereof or such entries therein as may be specified in the application, and their clerk shall, upon request, certify any such copy. Undertakers may obtain copies of assessment roll on payment

(2) In respect of every such copy the rating authority may demand a sum not exceeding one dollar and fifty cents for every hundred entries numbered separately, and for the purposes of this subparagraph any number of entries less than a complete hundred shall be treated as a complete hundred.

(3) For the purposes of this paragraph, "rating authority" means a Warden acting in exercise of his powers and duties under the Lands and Building Taxes Ordinance and includes a local authority acting under any enactment relating to house rates. Ch. 33. No. 7

24. (1) Subject to the provisions of this paragraph, any authorised officer of the undertakers shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours— Power to enter premises

(*a*) for the purpose of inspecting and examining meters used by the undertakers for measuring the water supplied by them, and of ascertaining therefrom the quantity of water consumed;

(*b*) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of the Act or the Order or of any bye-laws made thereunder;

reasonable hours—

(*a*) for the purpose of inspecting and examining meters used by the undertakers for measuring the water supplied by them, and of ascertaining therefrom the quantity of water consumed;

(*b*) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of the Act or the Order or of any bye-laws made thereunder;

(*c*) for the purpose of ascertaining whether or not circumstances exist which would authorise the undertakers to take any action, or execute any work, under the Act or the Order or any such bye-laws;

(*d*) for the purpose of taking any action or executing any work, authorised or required by the Act or the Order or any such bye-laws to be taken or executed by the undertakers,

except that admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(*a*) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or that the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and

(*b*) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the justice may by warrant under his hand authorise the undertakers by any authorised officer to enter the premises, if need be by force, except that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this paragraph, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(4) Every warrant granted under this paragraph shall continue in force until the purpose of which the entry is necessary has been satisfied.

(5) If any person who in compliance with the provisions of this paragraph, or of a warrant issued thereunder, is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret, he is, unless such disclosure was made in the performance of his duty, liable to a fine of five hundred dollars, or to imprisonment for three months.

(6) Nothing in this garagraph shall be construed as limiting the power of entry conferred in Part IX of the Fourth Schedule to the Act for the purpose of making examination as to waste or misuse of water.

Power to vest mains and sewerage systems in Authority

25. (1) The Authority may, if it thinks fit, vest in itself any main or sewerage system whether laid before or after the commencement of the Act, and shall at its own expense carry out any necessary works of maintenance, repair and renewal of such mains and sewerage system.

(2) In this paragraph "sewerage system" means a system of sewers privately laid by a person in connection with a building or buildings and in accordance with any requirements pursuant to sections 36 and 37 of the Public

Power to vest mains and sewerage systems in Authority

25. (1) The Authority may, if it thinks fit, vest in itself any main or sewerage system whether laid before or after the commencement of the Act, and shall at its own expense carry out any necessary works of maintenance, repair and renewal of such mains and sewerage system.

(2) In this paragraph "sewerage system" means a system of sewers privately laid by a person in connection with a building or buildings and in accordance with any requirements pursuant to sections 36 and 37 of the Public Health Ordinance.

Power to require occupier to permit works to be executed by owner

26. If, on a complaint made by the owner of any premises, it appears to a court of summary jurisdiction that the occupier of those premises prevents the owner from executing any work which he is by, or under, the Act or the Order, required to execute, the court may order the occupier to permit the execution of the work.

Appeals and applications to courts of summary jurisdiction

27. (1) Where any enactment in the Act or Order provides—

(*a*) for an appeal to a court of summary jurisdiction against a requirement, refusal or other decision of the undertakers; or

(*b*) for any matter to be determined by, or an application in respect of any matter to be made to, a court of summary jurisdiction,

the procedure shall be by way of complaint for an order, and the Summary Courts Ordinance shall apply to the proceedings. Ch. 3. No. 4

(2) The time within which any such appeal may be brought shall be twenty-two days from the date on which notice of the undertakers' requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subparagraph the making of the complaint shall be deemed to be the bringing of the appeal.

(3) In any case where such an appeal lies, the document notifying to the person concerned the decision of the undertakers in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

Mode of reference to arbitration

28. In arbitrations under the Act or the Order the reference shall, except where otherwise expressly provided, be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the Minister.

(Section 59)

FOURTH SCHEDULE

PROVISIONS APPLICABLE TO THE AUTHORITY UNDER PART III OF THE ACT AND TO BE INCORPORATED IN ORDERS RELATING TO WATER PURVEYORS AND IN LICENCES GRANTED UNDER SECTION 44 OF THE ACT

Preliminary

Interpretation

1. In this Schedule,

"business" does not include a profession;

"communication pipe" means—

(*a*) where the premises supplied with water abut on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;

(*b*) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also—

(i) where the communication pipe ends at a stopcock, that stopcock; and

(ii) any stopcock fitted on the communication pipe between the end thereof and the main;

"consumer" means a person supplied, or about to be supplied, with water by the undertakers;

"county" means the area comprising the electoral district set out in the Third Schedule to the County Councils Ordinance; Ch. 39. No. 15

"fire authority" means the Chief Fire Officer of a Brigade under the Fire Brigade Ordinance; Ch. 11. No. 4

"highway authority" means in the case of a highway maintainable at the public expense, the Chief Technical Officer (Works) and in any other case the authority or person in whom that highway is vested or the authority or the person responsible for the maintenance of the highway, or if no authority or person is responsible therefor, the owner of the soil of the highway;

"land drainage authority" means the Chief Technical Officer (Works) and "highway authority" means in the case of a highway maintainable at the public expense, the Chief Technical Officer (Works) and in any other case the authority or person in whom that highway is vested or the authority or the person responsible for the maintenance of the highway, or if no authority or person is responsible therefor, the owner of the soil of the highway;

"land drainage authority" means the Chief Technical Officer (Works) and includes a drainage authority under any enactment relating to land drainage;

"main" means a pipe laid by the undertakers or by a person in connection with a building or building area in accordance with any requirements pursuant to sections 36 and 37 of the Public Health Ordinance for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;

"prescribed" means prescribed by or under the Act or by or under an Order, as the case may be;

"service pipe" means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap;

"a supply of water for domestic purposes" means a sufficient supply for drinking, washing, cooking and sanitary purposes, but not for any bath having a capacity (measured to the centre line of the overflow pipe, or in such other manner as the Authority may by regulations prescribed) in excess of fifty gallons; and includes

(*a*) a supply for the purposes of a profession carried on in any premises the greater part whereof is used as a house; and

(*b*) where the water is drawn from a tap inside a house and no hosepipe or similar apparatus is used, a supply for watering a garden, for horses kept for private use and for washing vehicles so kept,

save however, that it does not include a supply of water for the business of a laundry or a business of preparing food or beverages for consumption otherwise than on the premises;

"supply pipe" means so much of any service pipe as is not a communication pipe;

PART I

Compensation Water

Provision as to compensation water

2. (1) During the construction of any authorised impounding reservoir the undertakers may, subject as hereinafter provided, take from any stream to be impounded thereby such water as they may require, except that, before taking any water from the stream, they shall, on an approved site, construct an approved gauge to gauge the flow of the stream, and, while the flow of water through or over the gauge is less than the prescribed flow, they shall not take any water.

(2) After the completion of the reservoir the undertakers shall, at an approved point within such limits as may be prescribed, discharge into the stream from, or from streams feeding, the reservoir during each day of twenty-four hours reckoned from midnight in a uniform and continuous flow a quantity of water not less than the prescribed quantity, and, for the purpose of gauging any water.

(2) After the completion of the reservoir the undertakers shall, at an approved point within such limits as may be prescribed, discharge into the stream from, or from streams feeding, the reservoir during each day of twenty-four hours reckoned from midnight in a uniform and continuous flow a quantity of water not less than the prescribed quantity, and, for the purpose of gauging such discharge, they shall construct and maintain in good order approved gauges on approved sites.

(3) Where the undertakers are authorised to take any water from any stream, they shall, before taking any such water, construct on approved sites approved gauges to gauge the quantity of water taken and the flow of the stream, and they shall not take any water in excess of the quantity authorised to be taken or while the flow of water through or over the gauge is less than the prescribed flow.

(4) If the undertakers—

(*a*) fail to construct or maintain in good order any such gauge as aforesaid, or refuse to allow any person interested to inspect and examine any such gauge or any records made thereby or kept by them in connection therewith or to take copies of any such records; or

(*b*) take any water from the stream contrary to the provisions of subparagraph (1) or (3), or fail to comply with the requirements of subparagraph (2) with respect to the discharge of water into the streams,

they shall, without prejudice to their civil liability, if any, to a person aggrieved, be guilty of an offence and liable in the case of an offence under clause (*a*) of this subparagraph to a fine of two hundred and fifty dollars, in respect of each day on which the offence has been committed or has continued, and in the case of an offence under clause (*b*) of this subparagraph—

(i) on summary conviction, to a fine of two hundred and fifty dollars in respect of each such day; and

(ii) on conviction on indictment, to a fine of five hundred dollars in respect of each such day.

(5) In this paragraph, the expression "gauge" includes a gauge weir or other apparatus for measuring the flow of water, and the expression "approved" means approved by the Minister.

(6) The foregoing provisions of this paragraph shall be deemed to have been accepted by all persons interested as full compensation for all water impounded by the authorised works, except in respect of any land between the foot of the embarkment of the reservoir and the point of discharge approved for the purposes of subparagraph (2) of this paragraph.

PART II

Power to lay Mains, &c.

Power to lay mains

3. (1) The undertakers may lay a main—

(*a*) in any street, subject, however, to the provisions of Part III of the Third Schedule to the Act; and

(*b*) with the consent of every owner and occupier of any land not forming part of a street and with the consent of the local authority of the district in which that land is situate and also of the highway authority concerned, if the main will be laid within two hundred and twenty feet of any highway, in, on or over that land,

and may from time to time inspect, repair, alter or renew, or may at any time remove, any main laid down by them, whether by virtue of this paragraph or otherwise.

(*b*) with the consent of every owner and occupier of any land not forming part of a street and with the consent of the local authority of the district in which that land is situate and also of the highway authority concerned, if the main will be laid within two hundred and twenty feet of any highway, in, on or over that land,

and may from time to time inspect, repair, alter or renew, or may at any time remove, any main laid down by them, whether by virtue of this paragraph or otherwise.

(2) A consent required for the purposes of subparagraph (1) shall not be unreasonably withheld and any question whether such a consent is, or is not, unreasonably withheld shall be referred to and determined by the Minister.

(3) Where the undertakers propose in the exercise of their powers under this paragraph to lay a main which will cross or interfere with any watercourse or works vested in, or under the control of, a land drainage authority, they shall give notice of their proposals to that authority, and, if within twenty-eight days that authority serve on the undertakers notice of objection to their

proposals, the undertakers shall not proceed with their proposals unless all objections so made are withdrawn, or the Minister after a local inquiry has approved the proposals, either with or without modification, except that this paragraph shall not apply in relation to a main which the undertakers propose to lay in a bridge carrying a highway across such a watercourse as aforesaid.

(4) Where the undertakers, in the exercise of their powers under this paragraph lay a main in, on or over any land not forming part of a street, or inspect, repair, alter, renew, or remove a main laid in, on or over any such land, they shall from time to time pay compensation to every person interested in that land for any damage done to, or injurious affection of, that land by reason of the inspection, laying, repair, alteration, renewal or removal of the main.

Any dispute as to the amount of compensation to be paid under this sub-paragraph shall be referred to arbitration.

(5) The undertakers may erect and maintain in any street notices indicating the position of underground water fittings used for controlling the flow of water through their mains, and may affix such notice to any house or other building wall or fence.

(6) For the purposes of this paragraph, a private street within the curtilage of a factory shall be deemed not to be, or form part of, a street.

Power to lay service pipes, &c.

4. (1) The undertakers may in any street within their limits of supply lay such service pipes with such stopcocks and other fittings as they deem necessary for supplying water to premises within the said limits, and may from time to time inspect, repair, alter, or renew, and may at any time remove, any service pipes laid in a street whether by virtue of this paragraph or otherwise.

(2) Where a service pipe has been lawfully laid in, on or over any land not forming part of a street, the undertakers may from time to time enter upon that land and inspect, repair, alter, renew or remove the pipe or lay a new pipe in substitution therefor, but shall pay compensation for any damage done by them.

Any dispute as to the amount of compensation to be paid under this sub-paragraph shall be determined by Arbitration.

PART III

Supply of Water for Domestic Purposes

Duty of undertakers as respects sufficiency and purity

5. The undertakers shall provide in their mains and communications pipes a supply of wholesome water sufficient for the domestic purposes of all owners and occupiers of premises within the limits of supply who have been supplied with water for those purposes.

PART III

Supply of Water for Domestic Purposes

Duty of undertakers as respects sufficiency and purity

5. The undertakers shall provide in their mains and communications pipes a supply of wholesome water sufficient for the domestic purposes of all owners and occupiers of premises within the limits of supply who have been supplied with water for those purposes.

PART IV

Supply of water for public purposes

Undertakers to fix and maintain fire-hydrants on pipes

6. The undertakers shall, at the request of the fire authority concerned, fix fire-hydrants on their mains at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out within the limits of supply, and shall keep in good order and from time to time renew every such hydrant. Any difference as to the number or proper position of such hydrants shall be referred to and determined by the Minister.

Cost of hydrants

7. The cost of such hydrants as aforesaid and of fixing, maintaining and renewing them, shall be defrayed out of the general revenue of Trinidad and Tobago on behalf of the fire authority.

Water to be taken to extinguish fires without charge

8. The undertakers shall allow all persons to take water for extinguishing fires from any pipe of the undertakers on which a hydrant is fixed, without payment.

Supply of water for cleaning sewers, &c., and for other public purposes

9. (1) In every pipe of the undertakers on which a hydrant is fixed the undertakers shall provide a supply of water for cleansing sewers and drains, for cleansing and watering highways, and for supplying any public pumps, baths, or wash-houses.

(2) A supply of water for the said purposes shall be provided at such rates, in such quantities, and upon such terms and conditions as may be agreed between the local authority or highway authority concerned and the undertakers, or in default of agreement, as may be determined by the Minister.

(3) In this paragraph "sewer" includes the sewer system vested in the Authority by section 11 of the Act.

PART V

Constancy and pressure of supply

Duty of undertakers as respects continual supply and pressure

10. (1) Subject as hereinafter provided, the undertakers shall cause the water in all pipes on which hydrants are fixed, or which are used for giving supplies for domestic purposes, to be laid on continually and at such a pressure as will cause the water to reach to the top of the top-most storey of every building within the limits of supply.

(2) Nothing in this section shall require them to deliver water at a height greater than that to which it will flow by gravitation through their mains from the service reservoir or tank from which the supply in question is taken and they may in their discretion determine the service reservoir or tank from which any supply is to be taken.

PART VI

Laying and maintenance of supply pipes and communication pipes

Laying of supply pipes, &c.

11. (1) An owner or occupier of any premises within the limits of supply who desires to have a supply of water for his domestic purposes from the waterworks of the undertakers, shall, subject as hereinafter provided, make application therefor to the undertakers, who may if they approve lay the necessary supply pipe.

Laying and maintenance of supply pipes and communication pipes

Laying of supply pipes, &c.

11. (1) An owner or occupier of any premises within the limits of supply who desires to have a supply of water for his domestic purposes from the waterworks of the undertakers, shall, subject as hereinafter provided, make application therefor to the undertakers, who may if they approve lay the necessary supply pipe.

(2) At, or before, the time of making such application, the owner or occupier shall pay or tender to the undertakers such sum as may be payable in advance by way of water rate in respect of his premises.

(3) If so directed by the undertakers, the owner or occupier shall lay the supply pipe at his own expense, having first obtained, the consent of the owner of any land not forming part of a street, being land intervening between the communication pipe and the premises to be supplied with water save that, where any part of the supply pipe is to be laid in a highway, he shall not himself break open the highway or lay that part of the pipe.

(4) Where the undertakers lay the supply pipe on behalf of the owner or occupier—

(*a*) he shall first obtain the consent of the owner of any land not forming part of a street, being land intervening between the communication pipe and the premises to be supplied with water; and

(*b*) the expenses reasonably incurred by the undertakers in executing the work shall be repaid to them by the owner or occupier respectively, and may be recovered by them from him summarily as a civil debt.

(5) Notwithstanding anything in the foregoing provisions of this paragraph, undertakers to whom such an application as aforesaid is made may within seven days after the receipt thereof, require the person making the application either to pay to them in advance the cost of the work, in accordance with the scale of charges prescribed by the undertakers therefor, or to give security for payment thereof to their satisfaction.

Laying of communication pipes, &c.

12. (1) Upon approval of the application referred to in paragraph 11, the undertakers shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a highway and shall connect the communication pipe with the supply pipes.

(2) Where in accordance with subparagraph (1), any part of the supply pipe is to be laid in a highway, they may elect to lay a main in the highway for such distance as they think fit in lieu of a supply pipe, and in that case shall lay a communication pipe from that main and connect it with the supply pipe.

(3) The expenses to be incurred by the undertakers in executing the work which they are required or authorised by this paragraph to execute shall be payable to them in advance by the person by whom the application was made, in accordance with the scale of charges prescribed by the undertakers therefor, except that, if under the provisions of this paragraph, the undertakers lay a main in lieu of part of a supply pipe, the additional cost incurred in laying a main instead of a supply pipe shall be borne by them.

Power of undertakers to require separate service pipes

13. (1) Subject to the provisions of this paragraph, the undertakers may require the provision of a separate service pipe for each house or other building supplied, or to be supplied, by them with water.

(2) If, in the case of a house or other building already supplied with water but not having a separate service pipe, the undertakers give notice to the owner of the house or building requiring the provision of such a pipe, the owner shall within three months lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a highway, and the undertakers shall, with all reasonable despatch after he has done so, lay so much of the

separate service pipes

(2) If, in the case of a house or other building already supplied with water but not having a separate service pipe, the undertakers give notice to the owner of the house or building requiring the provision of such a pipe, the owner shall within three months lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a highway, and the undertakers shall, with all reasonable despatch after he has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a highway and make all necessary connections.

(3) If an owner upon whom a notice has been served under the last foregoing subparagraph fails to comply therewith, the undertakers may themselves execute the work which he was required to execute.

(4) The expenses reasonably incurred by the undertakers in executing the work which they are required by subparagraph (2) to execute, or which they are empowered by the last foregoing subparagraph to execute, shall be repaid to them by the owner of the house or building and may be recovered

by them from him summarily as a civil debt, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the house or building.

(5) For the purposes of the foregoing provision of this paragraph two or more buildings in the same occupation and forming part of the same hereditament for rating purposes shall be treated as a single building.

(6) Where the owner of a group or block of houses is liable by law or undertakes in writing to pay the water rates in respect of all those houses, then, so long as he punctually pays those rates and the supply pipe of those houses is sufficient to meet the requirements thereof, the undertakers shall not require the provision of separate service pipes for those houses.

(7) Without prejudice to the provisions of the last foregoing subparagraph where, on the coming into force of this paragraph, two or more houses were being supplied with water by single service pipe, the undertakers shall not require the provision of separate service pipes for those houses until either—

(*a*) the existing supply pipe becomes so defective as to require renewal, or is no longer sufficient to meet the requirements of the houses; or

(*b*) an instalment of the water rate in respect of any of the houses remains unpaid after the end of the period for which it is due; or

(*c*) the houses are, by structural alterations to one or more of them, converted into a larger number of houses.

Vesting of communication pipes and repair of such pipes and of supply pipes in highways

14. (1) All communication pipes, whether laid before or after the coming into force of this paragraph, shall vest in the undertakers and the undertakers shall at their own expense carry out any necessary works of maintenance, repair or renewal of such pipes and any work, on their mains incidental thereto.

(2) The undertakers shall also carry out any such necessary works as aforesaid in the case of so much of any supply pipe as is laid in a highway, and may recover the expenses reasonably incurred by them in so doing summarily as a civil debt from the owner of the premises supplied by the pipe, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the premises.

PART VII

Stopcocks

Provision as to position, &c., of stopcocks

15. (1) On every service pipe laid after the coming into force of this paragraph the undertakers shall, and on every service pipe laid before that date the undertakers may, fit a stopcock enclosed in a covered box, or pit, of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service pipe after the coming into force

Stopcocks

Provision as to position, &c., of stopcocks

15. (1) On every service pipe laid after the coming into force of this paragraph the undertakers shall, and on every service pipe laid before that date the undertakers may, fit a stopcock enclosed in a covered box, or pit, of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service pipe after the coming into force of this paragraph shall be placed in such position as the undertakers deem most convenient, but so that—

(*a*) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises; and

(*b*) a stopcock in a street shall, after consultation with the highway authority concerned, be placed as near to the boundary thereof as is reasonably practicable.

PART VIII

Water Rates and Charges

Water Rates

16. (1) Where undertakers supply water to any premises for domestic purposes or where the Authority erects, maintains, and keeps supplied with water any public stand-pipe, they or it, as the case may be, may charge in respect thereof a water rate, which shall be calculated at a rate not exceeding the prescribed rate—

(*a*) in the case of a house or of any premises not used solely for business, trade or manufacturing purposes or for the exercise of functions by any public authority, on the annual value thereof; and

(*b*) in the case of any other premises, on such proportion of the annual value thereof as may be prescribed.

(2) Notwithstanding subsection (1), the undertakers may in any case make in respect of the supply such minimum charge as may be prescribed or, if no charge is prescribed, three dollars and sixty cents per annum.

(3) For the purposes of this Part, where water supplied to a house within the curtilage of a factory is used solely for the domestic purposes of occupants of the house, the house shall be deemed separate premises not forming part of the factory.

(4) For the purposes of this Part, the annual value of any premises shall be taken to be that value as appearing in the assessment roll in force on the first day of the period of twelve months covered by the rate, save that, if that value does not appear therein, or if the water rate is chargeable on a part only of any hereditament entered therein, the annual value of the premises supplied shall be taken to be such sum, or as the case may be, such fairly apportioned part of the annual value of the whole hereditament, as, in default of agreement, may be determined by a court of summary jurisdiction.

(5) Subject to the provisions of subparagraph (2), where there is communication, otherwise than by a highway, between buildings or parts of buildings in the occupation of the same person, those building or parts of buildings shall, if the undertakers so decide, be treated, for the purpose of charging water rates, as one building having an annual value equal to the aggregate of their annual values, so however that a person aggrieved by a decision of the undertakers under this subparagraph may appeal to a court of summary jurisdiction.

Power to make agreed charges

17. (1) The undertakers, in lieu of charging a water rate, may agree with any person requiring a supply of water for domestic purposes to furnish the supply, whether by meter or otherwise, on such terms and conditions as may

charging water rates, as one building having an annual value equal to the aggregate of their annual values, so however that a person aggrieved by a decision of the undertakers under this subparagraph may appeal to a court of summary jurisdiction.

Power to make agreed charges for domestic supply

17. (1) The undertakers, in lieu of charging a water rate, may agree with any person requiring a supply of water for domestic purposes to furnish the supply, whether by meter or otherwise, on such terms and conditions as may be agreed.

(2) Charges payable under this paragraph (including charges for any meter supplied by the undertakers) shall be recoverable in the manner in which water rates are recoverable.

18. (1) Where water which the undertakers supply for domestic purposes, and in respect of which they charge a water rate—

(*a*) is used for watering a garden; or

Additional charges where water supplied for domestic purposes and paid for by water rate is used for other purposes

(*b*) is used for horses, washing vehicles, or other purposes in stables, garages or other premises where horses or vehicles are kept,

the undertakers may in either case, if a hose-pipe or other similar apparatus is used, charge in respect of that use of the water an additional annual sum not exceeding the prescribed sum.

(2) Where in either of such cases the water used is drawn from a tap outside a house, but no hose-pipe or similar apparatus is used, the undertakers may charge an additional annual sum not exceeding one-half of the maximum sum chargeable under the last foregoing subparagraph.

(3) Sums charged under the provisions of this paragraph shall be paid in advance either quarterly or half-yearly as the undertakers may determine, and shall be recoverable in the manner in which water rates are recoverable.

Metered supplies

19. (1) The Undertakers may—

(*a*) require that any supply connected to a communication pipe be provided by them with a meter; and

(*b*) prescribe the charges to be paid by the owner or occupier of the metered premises for or in connection with the installation, use, testing and removal of any meter or class of meter; and

(*c*) prescribe the charges which, shall be payable by the owner or occupier of the premises for water supplied through the meter.

(2) Any such charge for water supplied through meters may be made to apply to premises generally or may be made to apply to any specified class or description of premises or to any specified class or description of supply.

(3) Charges leviable under this paragraph shall be assessed and payable in such manner and shall be due at such times and in such circumstances as the undertakers may prescribe.

Liability to water rates where building supplied by common pipe

20. Where two or more houses or other buildings in the occupation of different persons are supplied with water by a common pipe, the owner or occupier of each of them shall be liable to pay the same water rate for the supply as he would have been liable to pay if it had been supplied with water by a separate pipe.

Water rates on certain houses may be demanded from the owners Ch. 33. No. 8

21. (1) Where a house or other building supplied with water by the undertakers has an annual value not exceeding twenty four dollars, the owner instead of the occupier shall, if the undertaker so resolve, pay the rate for the supply of water and the water rate shall be recoverable in the manner in which water rates are recoverable or under the Rates and Charges Recovery Ordinance.

(2) An owner of premises to which a resolution of undertakers under

Water rates on certain houses may be demanded from the owners Ch. 33. No. 8

21. (1) Where a house or other building supplied with water by the undertakers has an annual value not exceeding twenty four dollars, the owner instead of the occupier shall, if the undertaker so resolve, pay the rate for the supply of water and the water rate shall be recoverable in the manner in which water rates are recoverable or under the Rates and Charges Recovery Ordinance.

(2) An owner of premises to which a resolution of undertakers under this paragraph applies shall, if he pays the amount due by him in respect of a water rate before the expiration of one-half of the period in respect of which the rate or instalment of the rate is payable, or before such later date as may be specified by the undertakers, be entitled to an allowance calculated at the rate of five per cent.

Making and date for payment of water rates

22. (1) Undertakers who charge water rates under the Act or an Order shall make such a rate by fixing, in respect of a period of twelve months commencing on the first day of January, the rate or, as the case may be, the scale of rates by reference to which amounts due under the rate are to be

calculated and, subject to the provisions of this paragraph, any such rate shall be payable in advance by equal quarterly instalments or, if the undertakers so resolve, by equal half-yearly instalments.

(2) A water rate under this paragraph, or in force under any enactments relating to water supply immediately before the coming into operation of this paragraph, shall unless and until a new rate is made, continue to operate in respect of each successive period of twelve months.

(3) If, and so long as, the water rates are payable in advance by half-yearly instalments—

(*a*) no proceedings shall be commenced for the recovery of any such instalment until the expiration of two months from the first day of the half-year in respect of which it has been demanded; and

(*b*) subject to subparagraph (4), if the person who is, or who, but for the provisions of paragraph 21, would be, liable to pay the water rate payable in respect of any premises, is in occupation of those premises during a portion only of a half-year, he, or as the case may be, the owner of the premises, shall be liable to pay the whole of the instalment due in respect of that half-year.

(4) If the person who is, or who, but for the provisions of paragraph 21, would be liable to pay the water rates as aforesaid, notifies the Authority of his or the occupiers' intention respectively to quit the premises before the premises becomes vacant, he or as the case may be the owner of the premises shall be liable to pay so much only of the half-yearly instalment as bears to the whole instalment the same proportion as the number of days within the half-year during which the first-mentioned person is in occupation bears to the number of days in the half-year, and, if any greater proportion of the instalment has been paid, the person by whom it was paid shall be entitled to recover the excess from the undertakers, except in so far as he has previously recovered it from an incoming occupier.

(5) Nothing in subparagraph (4) shall exempt the owner of any premises from liability in respect of any subsequent portion of the half-year during which the premises may again become occupied.

(6) Subject to the provisions of subparagraphs (4) and (5)—

(*a*) where the undertakers commence to give a supply of water to any premises, either for the first time or after a discontinuance of supply, the then current instalment of the water rate shall become payable on the day on which notice requiring the supply is given, to the undertakers or, if no such notice is given, on the day when they

(6) Subject to the provisions of subparagraphs (4) and (5)—

(*a*) where the undertakers commence to give a supply of water to any premises, either for the first time or after a discontinuance of supply, the then current instalment of the water rate shall become payable on the day on which notice requiring the supply is given, to the undertakers or, if no such notice is given, on the day when they commence to give the supply; and

(*b*) the liability of a person to pay an instalment of a water rate shall not be affected by the fact that, before the end of the period in respect of which the instalment became payable by him, he or his tenant, as the case may be, removes from the premises in question, or causes the supply of water thereto to be discontinued.

(7) Nothing in this paragraph affects any right of the undertakers to make a minimum charge in respect of water rates.

Effect on water rates of alteration in assessment roll

23. (1) Where—

(*a*) under sections 12 or 15 of the Lands and Buildings Taxes Ordinance, an amendment is made in the assessment roll for the time being in force, or in consequence of section 8 of that Ordinance, an assessment roll comes into operation or

(*b*) under any enactment relating to local authorities, an alteration or a new valuation is made in the house rate,

the amendment or assessment roll or alteration or new valuation in the house rate respectively shall for the purpose of calculating the amount due in respect of any water rate payable have effect retrospectively as from the date when the amendment or assessment roll or alteration or new valuation in the house rate, respectively was made or came into operation and, notwithstanding anything in the last foregoing paragraph with respect to the equality of instalments of a water rate, any necessary adjustments shall be made in the then current instalments of the rates and any subsequent instalments thereof.

(2) If it is found that, by reason of the foregoing provisions, too much or too little has been paid in respect of any water rate, the difference shall be repaid or allowed or, as the case may be, shall be paid and may be recovered in the manner in which water rates are recoverable.

Discount for prompt payment of water rates and charges

24. (1) The undertakers may allow discounts or rebates in consideration of prompt payment of water rates and charges, so however that such discounts or rebates shall be at the same rate under like circumstances to all persons and shall not in any case exceed five per cent.

(2) If, and so long as, the undertakers allow such discounts or rebates, notice of the effect of this paragraph shall be endorsed on every demand note for water rates and charges.

(3) This paragraph shall not apply in any case where a discount is payable under paragraph 21.

Recovery of rates and charges from persons leaving premises

25. If it is shown to the satisfaction of a justice of the peace on sworn information in writing that a person is quitting, or is about to quit, premises to which the undertakers supply water and has failed to pay on demand an instalment of a water rate or charge payable by, and due from, him in respect of those premises, and intends to evade payment thereof by departing from the premises, the justice may, in addition to issuing a summons for non-payment of the sum due, issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim of the undertakers and to detain them until the cause is determined upon the return of the summons.

Register of meter to be

26. (1) Where the undertakers supply water by meter, the register of the meter shall be *prima facie* evidence of the quantity of water consumed.

ment of the sum due, issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim of the undertakers and to detain them until the cause is determined upon the return of the summons.

Register of meter to be evidence

26. (1) Where the undertakers supply water by meter, the register of the meter shall be *prima facie* evidence of the quantity of water consumed.

(2) Any question arising between the undertakers and a consumer with respect to the quantity of water consumed may, on the application of either party, be determined by a court of summary jurisdiction.

(3) If the meter on being tested is proved to register incorrectly to any degree exceeding five per cent.—

(*a*) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which

a reading of the index of the meter was taken by the undertakers, unless it is proved to have begun to register incorrectly on some later date; and

(*b*) the amount of any refund to be made to, or of any extra payment to be made by, the consumer shall be paid or allowed by the undertakers or paid by the consumer, as the case may be, and in the case of an extra payment, shall be recoverable in the manner in which water rates are recoverable.

PART IX

Provisions for preventing waste, &c., of water, and as to meters and other fittings

Power to test water fittings

27. The undertakers may test any water fittings used in connection with water supplied by them.

Power to enter premises to detect waste or misuse of water

28. An authorised officer of the undertakers may, between the hours of seven in the forenoon and one hour after sunset, on producing, if required, evidence of his authority, enter any premises supplied with water by the undertakers in order to examine if there be any waste or misuse of such water and, if, after production of his authority, he is refused admittance to the premises, or is obstructed in making his examination, the person refusing him admittance or so obstructing him is liable to a fine of fifty dollars.

Power to repair supply pipes

29. (1) If the undertakers have reason to think that some injury to or defect in a supply pipe which they are not under obligation to maintain is causing, or is likely to cause, waste of water or injury to person or property, they may execute such work as they think necessary or expedient in the circumstances of the case without being requested so to do and, if any injury to or defect in the pipe is discovered, the expenses reasonably incurred by the undertakers in discovering it and in executing repairs shall be recoverable by them summarily as a civil debt from the owner of the premises supplied, but without prejudice to the rights and obligations, as between themselves, of the owner and occupier of the premises.

(2) Where several houses or other buildings in the occupation of different persons are supplied with water by one common supply pipe belonging to the owners or occupiers of the houses or buildings, the amount of any such expenses as aforesaid and any expenses reasonably incurred by the undertakers in the maintenance of that pipe may be recovered in manner aforesaid from the owners of those premises in such proportions as, in case of dispute, may be settled by the court, but without prejudice to the rights and obligations, as between themselves, of the owners and occupiers of those premises respectively.

persons are supplied with water by one common supply pipe belonging to the owners or occupiers of the houses or buildings, the amount of any such expenses as aforesaid and any expenses reasonably incurred by the undertakers in the maintenance of that pipe may be recovered in manner aforesaid from the owners of those premises in such proportions as, in case of dispute, may be settled by the court, but without prejudice to the rights and obligations, as between themselves, of the owners and occupiers of those premises respectively.

Penalty for waste, &c., of water by non-repair of water fittings

30. (1) If the owner or occupier of any premises wilfully or negligently causes or suffers any water fitting which he is liable to maintain to—

(*a*) be or remain so out of order, or so in need of repair; or

(*b*) be or remain so constructed or adapted, or be so used,

that the water supplied to those premises by the undertakers is, or is likely to be wasted, misused or unduly consumed, or contaminated before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with a pipe belonging to the undertakers, he is liable to a fine of twenty-five dollars.

(2) If any water fitting which any person is liable to maintain is in such a condition, or so constructed or adapted as aforesaid, the undertakers without prejudice to their right to institute proceedings under the last foregoing subparagraph, may require that person to carry out any necessary repairs or alterations, and, if he fails to do so within forty-eight hours, may themselves carry out the work and recover from him summarily as a civil debt the expenses reasonably incurred by them in so doing.

Penalties for misuse of water

31. (1) An owner or occupier of premises supplied with water by the undertakers who without their consent supplies any of that water to another person for use in other premises, or wilfully permits another person to take any of that water for use in other premises, is (without prejudice to the right of the undertakers to recover from such owner or occupier the value of the water so supplied or permitted to be taken) liable to a fine of fifty dollars, except where the water is supplied to a person for the purpose of extinguishing a fire, or where such person is a person supplied with water by the undertakers but temporarily unable, through no default of his own, to obtain water.

(2) If a person wrongfully takes, uses or diverts water from a reservoir, watercourse, conduit, pipe or other apparatus belonging to the undertakers, or from a pipe leading to or from any such reservoir, watercourse, conduit, pipe or other apparatus, or from a cistern or other receptacle containing water belonging to the undertakers or supplied by them for the use of a consumer of water from them, he is liable to a fine of twenty-five dollars.

(3) Any person who, having from the undertakers a supply of water otherwise than by meter, uses any water so supplied to him for a purpose other than those for which he is entitled to use it shall be liable to a fine of ten dollars, without prejudice to the right of the undertakers to recover from him the value of the water misused.

Penalty for fraudulent use of water

32. (1) If any person fraudulently alters the index of any meter used by the undertakers for measuring the water supplied by them, or prevents any such meter from registering correctly the quantity of water supplied, or fraudulently abstracts or uses water of the undertakers, he is, without prejudice to any other right or remedy of the undertakers, liable to a fine of twenty-five dollars, and the undertakers may do all such work as is necessary for securing the proper working of the meter, and may recover the expenses reasonably incurred by them in so doing from the offender summarily as a civil debt.

(2) For the purposes of this paragraph, if it is proved that a consumer has altered the index of a meter, it shall rest upon him to prove that he did not alter it fraudulently, and the existence of any artificial means under the control of a consumer for preventing a meter from registering correctly, or for enabling him fraudulently to abstract or use water, shall be evidence that he has fraudulently prevented the meter from registering correctly or, as the case may be, has fraudulently abstracted or used water.

(2) For the purposes of this paragraph, if it is proved that a consumer has altered the index of a meter, it shall rest upon him to prove that he did not alter it fraudulently, and the existence of any artificial means under the control of a consumer for preventing a meter from registering correctly, or for enabling him fraudulently to abstract or use water, shall be evidence that he has fraudulently prevented the meter from registering correctly or, as the case may be, has fraudulently abstracted or used water.

Penalty for interference with valves and apparatus

33. If any person either—

(*a*) wilfully and without the consent of the undertakers; or

(*b*) negligently,

turns on, opens, shuts off or otherwise interferes with any valve, cock or other work or apparatus belonging to the undertakers and thereby causes the supply of water to be interfered with, he is liable to a fine of twenty-five dollars and, whether proceedings be taken against him in respect of his offence or not, the undertakers may recover from him summarily as a civil debt the amount of any

damage sustained by them, except that this paragraph shall not apply to a consumer closing the stop-cock fixed on the service pipe supplying his premises, so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

Penalty for extension or alteration of pipes, &c.

34. (1) Any person who without the consent of the undertakers attaches any pipe or apparatus to a pipe belonging to the undertakers, or to a supply pipe, or makes any alteration in a supply pipe or in any apparatus attached to a supply pipe, is liable to a fine of twenty-five dollars, and any person who uses any pipe or apparatus which has been so attached, or altered is liable to the same penalty unless he proves that he did not know, and had no ground for suspecting, that it had been so attached or altered.

(2) When an offence under this paragraph has been committed, then whether proceedings be taken against the offender in respect of his offence or not, the undertakers may recover from him summarily as a civil debt the amount of any damage sustained by them and the value of any water wasted, misused or improperly consumed.

Meters to be connected, or disconnected, by undertakers

35. (1) A consumer who has not obtained the consent of the undertakers shall not connect or disconnect any meter by means of which water supplied by the undertakers is intended to be, or has been, measured for the purpose of the payment to be made to them, but, if he requires such a meter to be connected or disconnected, shall give to the undertakers not less than twenty-four hours' notice of his requirements and of the time when the work can be commenced and, thereupon, the undertakers shall carry out the necessary work and may recover from him summarily as a civil debt the expenses reasonably incurred by them in so doing.

(2) A consumer who contravenes any of the provisions of this paragraph, is liable to a fine of ten dollars.

Meters, &c., to measure water or detect waste

36. Subject (in the case of a water purveyor to the provisions of the Order with respect to the breaking open of streets) the undertakers may for the purpose of measuring the quantity of water supplied, or preventing or detecting waste, affix and maintain meters and other apparatus on their mains and service pipes and may insert in any street, but as near as is reasonably practicable to the boundary thereof, the necessary covers or boxes for giving access and protection thereto, and may for that purpose temporarily obstruct, break open, and interfere with streets, sewers, pipes, wires and apparatus.

pose of measuring the quantity of water supplied, or preventing or detecting waste, affix and maintain meters and other apparatus on their mains and service pipes and may insert in any street, but as near as is reasonably practicable to the boundary thereof, the necessary covers or boxes for giving access and protection thereto, and may for that purpose temporarily obstruct, break open, and interfere with streets, sewers, pipes, wires and apparatus.

General

Notice of discontinuance

37. A consumer who wishes the supply of water on his premises to be discontinued, shall give not less than twenty-four hours' notice to the undertakers.

(Section 70)

FIFTH SCHEDULE

PROVISIONS APPLICABLE TO THE AUTHORITY UNDER PART IV OF THE ACT

Preliminary

Interpretation

1. In this Schedule,

"business" does not include a profession;

"county" means the area comprising the electoral district set out in the Third Schedule to the County Councils Ordinance;

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"highway authority" means, in the case of a highway maintainable at the public expense, the Technical Officer (Works) and in any other case the authority or person in whom that highway is vested or the authority or person responsible for the maintenance of the highway or if no authority or person is responsible therefor, the owner of the soil of the highway;

PART I

Power to lay Street Sewers, &c.

Power to lay sewers

2. (1) The Authority may lay a sewer—

(*a*) in any street, subject however to the provisions of Part III of the Third Schedule to the Act; and

(*b*) with the consent of every owner and occupier of any land not forming part of a street and with the consent of the local authority of the district in which that land is situated and also of the highway authority concerned, if the sewer will be laid within two hundred and twenty feet of any highway, in, on or over any land,

and may from time to time inspect, repair, alter or renew, or may at any time remove, any sewer laid down by them whether by virtue of this paragraph or otherwise.

(2) A consent required for the purposes of subparagraph (1) shall not be unreasonably withheld and any question whether such a consent is, or is not, unreasonably withheld shall be referred to and determined by the Minister.

(3) Where the Authority proposes in the exercise of its powers under this paragraph to lay a sewer which will cross or interfere with any watercourse or works vested in, or under the control of, a land drainage authority, it shall give notice of its proposals to that authority, and, if within twenty-eight days that authority serve on the Authority notice of objection to its proposals, the Authority shall not proceed with its proposals unless all objections so made are withdrawn, or the Minister after a local inquiry has approved the proposals, either with or without modification, except that this paragraph shall not apply in relation to a street sewer which the Authority proposes to lay in a bridge carrying a highway across such a watercourse as aforesaid.

(4) Where the Authority, in the exercise of its powers under this paragraph lay a sewer in, on or over any land not forming part of a street, or inspect, notice of its proposals to that authority, and, if within twenty-eight days that authority serve on the Authority notice of objection to its proposals, the Authority shall not proceed with its proposals unless all objections so made are withdrawn, or the Minister after a local inquiry has approved the proposals, either with or without modification, except that this paragraph shall not apply in relation to a street sewer which the Authority proposes to lay in a bridge carrying a highway across such a watercourse as aforesaid.

(4) Where the Authority, in the exercise of its powers under this paragraph lay a sewer in, on or over any land not forming part of a street, or inspect, repair, alter, renew, or remove a main laid in, on or over any such land, it shall from time to time pay compensation to every person interested in that land for any damage done to, or injurious affection of, that land by reason of the inspection, laying, repair, alteration, renewal or removal of the sewer.

Any dispute as to the amount of compensation to be paid under this subparagraph shall be referred to arbitration.

(5) The Authority may erect and maintain in any street notices indicating the position of underground sewerage works and appliances used for controlling the flow of sewerage through its street sewer, and may affix such notice to any house or other building, wall or fence.

(6) For the purposes of this paragraph, a private street within the curtilage of a factory shall be deemed not to be, or form part of, a street.

Power to lay collecting sewers, &c.

3. (1) The Authority may in any street lay such street sewers and collecting sewers with such fittings as it deems necessary for the drainage of sewage from any house sewer, and may from time to time inspect, repair, alter, or renew and may at any time remove, any collecting sewer laid in a street whether by virtue of this paragraph or otherwise.

(2) Where a sewer or collecting sewer has been lawfully laid in, on or over any land not forming part of a street, the Authority may from time to time enter upon that land and inspect, repair, alter, renew or remove the sewer or lay a new sewer in substitution therefor, but shall pay compensation for any damage done by it.

Any dispute as to the amount of compensation to be paid under this sub-paragraph shall be determined by arbitration.

PART II

Laying and Maintenance of Street Sewers, Collecting Sewers and House Sewers

Power of Authority to require separate house sewers

4. (1) Subject to the provision of this paragraph, the Authority may require the provision of a separate house sewer for each house or other building connected with or to be connected with the collecting sewers.

(2) If, in the case of a house or other building already connected with a collecting sewer, and not having a separate house sewer connected to a street sewer, the Authority gives notice to the owner of the house or building requiring the provision of such a house sewer, the owner shall within three months lay so much of the required sewer and other works as will constitute a house sewer and is not required to be laid in a highway, and the Authority shall, with all reasonable despatch after he has done so, make all necessary connections.

(3) If an owner upon whom a notice has been served under the last foregoing subparagraph fails to comply therewith, the Authority may itself execute the work which he was required to execute.

(4) The expenses reasonably incurred by the Authority in executing the work which it is required by subparagraph (2) to execute, or which it is empowered by the last foregoing subparagraph to execute, shall be repaid to it by the owner of the house or building and may be recovered by it from him summarily as a civil debt, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the house or building.

(5) For the purposes of the foregoing provisions of this paragraph, two or more buildings in the same occupation and forming part of the same hereditament for rating purposes shall be treated as a single building.

(6) Where the owner of a group or block of houses is liable by law or undertakes in writing to pay the sewerage rates in respect of all those houses, then, so long as he punctually pays those rates and the house sewer of those houses is sufficient to meet the requirements thereof, the Authority shall not require the provision of separate house sewers for those houses.

(5) For the purposes of the foregoing provisions of this paragraph, two or more buildings in the same occupation and forming part of the same hereditament for rating purposes shall be treated as a single building.

(6) Where the owner of a group or block of houses is liable by law or undertakes in writing to pay the sewerage rates in respect of all those houses, then, so long as he punctually pays those rates and the house sewer of those houses is sufficient to meet the requirements thereof, the Authority shall not require the provision of separate house sewers for those houses.

(7) Without prejudice to the provisions of the last foregoing subparagraph, where, on the coming into force of this paragraph, two or more houses were served by a single house sewer, the Authority shall not require the provision of separate house sewers for those houses until either—

(*a*) the existing house sewer becomes so defective as to require renewal, or is no longer sufficient to meet the requirements of the houses; or

(*b*) an instalment of the sewerage rate in respect of any of the houses remains unpaid after the end of the period for which it is due; or

(*c*) the houses are, by structural alterations to one or more of them converted into a larger number of houses.

Vesting of collecting sewers and repair of such sewers and of house sewers in highways

5. (1) All collecting sewers, whether laid before or after the coming into force of this paragraph, shall vest in the Authority and the Authority shall at its own expense carry out any necessary works of maintenance repair or renewal of such sewers and any work on its street sewers incidental thereto.

(2) The Authority shall also carry out any such necessary works as aforesaid in the case of so much of any house sewer as is laid in a highway, and may recover the expenses reasonably incurred by it in so doing summarily as a civil debt from the owner of the premises served by the house sewer, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the premises.

PART III

Sewerage Rates and Charges

Sewerage Rates

6. (1) The Authority may charge in respect of any sewerage facilities provided by it a sewerage rate, which shall be calculated at a rate to be prescribed—

(*a*) in the case of a house or of any premises not used solely for business, trade or manufacturing purposes or for the exercise of functions by any public authority, on the annual value thereof; and

(*b*) in the case of any other premises, on such proportion of the annual value thereof as may be prescribed or, if no proportion is prescribed, as may be determined by the Minister.

(2) Notwithstanding subsection (1), the Authority may in any case make in respect of the sewerage facilities provided by it such minimum charge it may prescribe, or if no minimum is prescribed, three dollars and sixty cents per annum.

(3) For the purposes of this Part, where a house served by a collecting sewer is a house within the curtilage of a factory and that house is used solely for the domestic purposes of occupants, the house shall be deemed separate premises not forming part of the factory.

(4) For the purposes of this Part, the annual value of any premises shall be taken to be that value as appearing in the assesment roll in force on the first day of the period of twelve months covered by the rate, save that, if that value does not appear therein, or if the sewerage rate is chargeable on a part only of any hereditament entered therein, the annual value of the premises so served shall be taken to be such sum, or, as the case may be, such fairly apportioned part of the annual value of the whole hereditament, as, in default of agreement, may be determined by a court of summary jurisdiction.

(5) Subject to the provisions of subparagraph (3), where there is communication, otherwise than by a highway, between buildings or parts of buildings in the occupation of the same person, those buildings or parts of buildings shall, if the Authority so decides, be treated, for the purpose of charging sewerage rates, taken to be such sum, or, as the case may be, such fairly apportioned part of the annual value of the whole hereditament, as, in default of agreement, may be determined by a court of summary jurisdiction.

(5) Subject to the provisions of subparagraph (3), where there is communication, otherwise than by a highway, between buildings or parts of buildings in the occupation of the same person, those buildings or parts of buildings shall, if the Authority so decides, be treated, for the purpose of charging sewerage rates, as one building having an annual value equal to the aggregate of their value, so however that a person aggrieved by a decision of the Authority under this subparagraph may appeal to a court of summary jurisdiction.

Power to make agreed charges in lieu of sewerage rates

7. (1) The Authority, in lieu of charging a sewerage rate, may agree with any person whose premises are or may be served with sewerage facilities to provide such service, on such terms and conditions as may be agreed.

(2) Charges payable under this paragraph shall be recoverable in the manner in which sewerage rates are recoverable.

Sewerage rates on certain houses may be demanded from the owners

8. (1) Where a house or other building has an annual value not exceeding twenty-four dollars but is part of premises served with sewerage facilities the owner instead of the occupier shall, if the Authority so wishes pay the sewerage rate and the sewerage rate shall be recoverable in the manner in which sewerage rates are recoverable or under the Rates and Charges Recovery Ordinance.

(2) An owner of premises to which a resolution of the Authority under this paragraph applies shall, if he pays the amount due by him in respect of sewerage rate before the expiration of one-half of the period in respect of which the rate or instalment of the rate is payable, or before such later date as may be specified by the Authority, be entitled to an allowance calculated at a rate of five per cent. Ch. 33. No. 8

Making and dates for payment of sewerage rates

9. (1) The Authority shall, in respect of every house served with sewerage facilities, make a sewerage rate by fixing, in respect of a period of twelve months commencing on the first day of January, the rate, by reference to which amounts due under the rate are to be calculated, and subject to the provisions of this paragraph, any such rate shall be payable in advance by equal quarterly instalments, or, if the Authority so resolves by equal half-yearly instalments.

(2) A sewerage rate under this paragraph, or in force under Part XVII of the Port-of-Spain Corporation Ordinance, immediately before the coming into operation of this paragraph, shall, notwithstanding anything to the contrary, until a new rate is made, continue to operate in respect of each successive period of twelve months. Ch. 39. No. 1

(3) Subject to the Act—

(*a*) where the Authority commences to serve any premises, with sewerage facilities, the then current instalment of the sewerage rate shall become payable on the day when the Authority commences to give the service; and

(*b*) the liability of a person to pay an instalment of a sewerage rate shall not be affected by the fact that, before the end of the period in respect of which the instalment became payable by him, he or his tenant, as the case may be, removes from the premises in question.

(4) Nothing in this paragraph affects any right of the Authority to make a minimum charge in respect of sewerage rates.

Effect on sewerage rates of alteration in assessment roll

10. (1) Where—

(*a*) under sections 12 or 15 of the Lands and Buildings Taxes Ordinance, an amendment is made in the assessment roll for the time being in force, or in consequence of section 8 of that Ordinance, an assessment roll comes into operation; and

(*b*) under Part V of the Port-of-Spain Corporation Ordinance an alteration or a new valuation is made in the house rate.

the amendment or assessment roll or alteration or new valuation in the house rates respectively shall for the purpose of calculating the amount due in respect of any sewerage rate payable have effect retrospectively as from the date when the amendment or assessment roll or alteration or new valuation in the house rate, respectively was made or came into operation and, notwithstanding anything in the last foregoing paragraph with respect to the equality of instalments of a sewerage rate, any necessary adjustments shall be made in the then current instalments of the rates and any subsequent instalments thereof. Ch. 33. No. 7 Ch. 39. No. 1

(2) If it is found that, by reason of the foregoing provisions, too much or too little has been paid in respect of any sewerage rate, the difference shall be repaid or allowed or, as the case may be, shall be paid and may be recovered in the manner ment or assessment roll or alteration or new valuation in the house rate, respectively was made or came into operation and, notwithstanding anything in the last foregoing paragraph with respect to the equality of instalments of a sewerage rate, any necessary adjustments shall be made in the then current instalments of the rates and any subsequent instalments thereof.

(2) If it is found that, by reason of the foregoing provisions, too much or too little has been paid in respect of any sewerage rate, the difference shall be repaid or allowed or, as the case may be, shall be paid and may be recovered in the manner in which sewerage rates are recoverable.

Discount for prompt payment of sewerage rates and charges

11. (1) The Authority may allow discounts or rebates in consideration of prompt payment of sewerage rates and charges, save that such discounts or rebates shall be at the same rate under like circumstances to all persons and shall not in any case exceed five per cent.

(2) If, and so long as, the Authority allow such discounts or rebates, notice of the effect of this paragraph shall be endorsed on every demand note for sewerage rates and charges.

(3) This paragraph shall not apply in any case where a discount is payable under paragraph 8.

10. (1) Where—

Recovery of rates and charges from persons leaving premises

12. If it is shown to the satisfaction of a justice of the peace on sworn information in writing that a person is quitting, or is about to quit, premises which the Authority serves with sewerage facilities and has failed to pay on demand an instalment of a sewerage rate or charge payable by, and due from, him in respect of those premises, and intends to evade payment thereof by departing from the premises, the justice may, in addition to issuing a summons for non-payment of the sum due, issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim of the Authority and to detain them until the complaint is determined upon the return of the summons.

PART IV

Provisions for preventing misuse of sewerage facilities and as to other fittings

Power to test fittings

13. The Authority may test any sanitary conveniences and appliances used in connection with sewerage facilities provided by it.

Power to enter premises to detect misuse of sewerage facilities

14. An authorised officer of the Authority may, between the hour of seven in the forenoon and one hour after sunset, on producing, if required, evidence of his authority, enter any premises served with sewerage facilities by the Authority in order to examine if there be any misuse of such facilities and, if, after production of his authority, he is refused admittance to the premises, or is obstructed in making his examination, the person refusing him admittance, or so obstructing him, is liable to a fine of fifty dollars.

Power to repair house sewers

15. (1) If the Authority has reason to think that some injury to or defect in a house sewer which it is not under obligation to maintain is causing, or is likely to cause, pollution or injury to person or property, it may execute such work as it thinks necessary or expedient in the circumstances of the case without being requested so to do and, if any injury to or defect in the house sewer is discovered, the expenses reasonably incurred by the Authority in discovering it and in executing repairs shall be recoverable by it summarily as a civil debt from the owner of the premises supplied, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the premises.

(2) Where several houses or other buildings in the occupation of different persons are served with a common house sewer belonging to the owners or occupiers of the houses or buildings, the amount of any such expenses as aforesaid and any expenses reasonably incurred by the Authority in the maintenance of that house sewer may be recovered in manner aforesaid from the owners of those premises in such proportions as, in case of dispute, may be settled by the court, but without prejudice to the rights and obligations, as between themselves, of the owners and occupiers of those premises respectively.

Penalty for misuse, &c., of sewerage facilities by non-repair of water closets, &c.

16. (1) If the owner or occupier of any premises wilfully or negligently causes or suffers any watercloset, soilpipe or house sewer which he is liable to maintain to—

(*a*) be or remain so out of order, or so in need of repair; or

(*b*) be or remain so constructed or adapted, or be so used,

that the sewerage facilities provided by the Authority is, or is likely to be misused or to pollute or injure any premises or property, or that foul air or any impure matter is likely to enter into any pipe belonging to, or connected with a pipe belonging to, the Authority, he is liable to a fine of twenty-five dollars.

(2) If any watercloset, soilpipe or house sewer which any person is liable to maintain is in such a condition, or so constructed or adapted as aforesaid, the

misuse, &c., of sewerage facilities by non-repair of water closets, &c.

or suffers any watercloset, soilpipe or house sewer which he is liable to maintain to—

(*a*) be or remain so out of order, or so in need of repair; or

(*b*) be or remain so constructed or adapted, or be so used,

that the sewerage facilities provided by the Authority is, or is likely to be misused or to pollute or injure any premises or property, or that foul air or any impure matter is likely to enter into any pipe belonging to, or connected with a pipe belonging to, the Authority, he is liable to a fine of twenty-five dollars.

(2) If any watercloset, soilpipe or house sewer which any person is liable to maintain is in such a condition, or so constructed or adapted as aforesaid, the Authority, without prejudice to its right to institute proceedings under the last foregoing sub-paragraph, may require that person to carry out any necessary repairs or alterations, and, if he fails to do so within forty-eight hours, may itself carry out the work and recover from him summarily as a civil debt the expenses reasonably incurred by it in so doing.

Disposal of sewage other than by sewer

17. Whenever a house, building, or premises has been provided with a house sewer and waterclosets under Part IV of the Act, if any sewage flows or is deposited or thrown from the house or premises, either within the premises or elsewhere than by the house sewer from the house and premises, the occupier of the house, building or premises aforesaid and anyone who deposits or throws any sewage as aforesaid is guilty of an offence and liable to a fine of twenty-five dollars.

Allowing anything but sewage and paper to be in sewers

18. If any garbage, hair, ashes, fruit, vegetables, rags, bottles, tins refuse, or any other matter or thing whatsoever, except sewage as defined by Part IV of the Act and the necessary paper, is thrown into or deposited in any receptacle connected with a house sewer, either by the occupier of a house, premises, or other place, or by anyone else, the occupier and also that person is liable for all damage occasioned thereby and for all expenses incurred in repairing and rectifying the damage, and the occupier and that person are each guilty of an offence and liable to a fine of twenty-five dollars.

Permitting prohibited sewage to flow into sewers

19. If in the judgment of the Authority sewage of any particular kind would be injurious to the sewer system the Authority may, by notice published in the *Gazette* and a daily newspaper, circulating in Trinidad and Tobago, prohibit, as from the time stated in the notice, the introduction of that sewage into any sewer, and if after the date prescribed by the notice any sewage is introduced, or enters or flows, into any sewer, the occupier of any such house, premises, or place, and also anyone introducing any of that sewage, or causing it to flow or enter into a sewer is guilty of an offence and liable to a fine of $25.00.

SIXTH SCHEDULE (Section 88)

Amendments to the Public Health Ordinance, Ch. 12. No. 4.

Section 2 of the Ordinance amended

A. Section 2 of the Public Health Ordinance (in this Schedule referred to as "the Ordinance") is amended as follows :—

(a) by renumbering the section as section 2(1) ;

(b) by repealing and replacing the definition of "local authority" as follows :—

" "local authority" means the Port-of-Spain Corporation established under the Port-of-Spain Corporation Ordinance, the San Fernando Corporation established under the San Fernando Corporation Ordinance and the Arima Corporation established under the Arima Corporation Ordinance and includes (I) a County Council established under the County Councils Ordinance and (II) the Port Authority as the case may be ";

(c) by repealing and replacing the definition of "Board" as follows :—

" "Minister" means the member of the Cabinet to whom responsibility for Health is assigned.";

(d) by inserting the following definition in its alphabetical order :—

" "Port Authority" means the Port Authority established under the Port Authority Ordinance ; " ; 1961

Order 39/1961

(e) by adding the following subsection thereto :—

" (2) A reference in this Ordinance to a port sanitary authority shall be read and construed as a reference to the "Port Authority". "

Repeals

B. Sections 4 to 10 of the Ordinance are repealed.

Section 12 of the Ordinance amended

C. Paragraph (c) of section 12 of the Ordinance is amended by substituting for the words "such person or body" the words "the Port Authority or such other person or body".

Section 16 of the Ordinance amended

D. Section 16 of the Ordinance is amended by deleting references to "the Board" wherever such references appear therein.

Section 35A added

E. By inserting the following section after section 35 :—

Preliminary

Construction of Parts III & IV Ch. 39. No. 1 Ch. 39. No. 7 Ch. 39. No. 11

35A. (1) The Minister is jointly and severally responsible with local authorities for the administration of the provisions of this Ordinance and of Part X of the Port-of-Spain Corporation Ordinance, Part VIII of the San Fernando Corporation Ordinance, and Part VIII of the Arima Corporation Ordinance, concerning the regulation and control of—

(a) the construction of buildings, and the materials to be used in the construction of buildings, including the regulation and control of the construction and maintenance of—

(i) eaves and gutterings; and

(ii) the structure of foundation walls and roofs of new buildings for the purpose of health and safety;

(b) the space about buildings, the light and ventilation of buildings, and the dimensions of rooms intended for human habitation, including the regulation and control of—

(i) the ventilation and sufficiency of the space about buildings to secure a free circulation of air;

(ii) the paving of yards and open spaces for the purposes of health;

(iii) the percentage of the area of building lots that may be covered by buildings, and

(iv) the line of building;

(*c*) the height of buildings; the height of chimneys, not being separate buildings, and the dimension of rooms intended for human habitation, including the regulation and control of the height of the ground floor of a building above the ground; and

(*d*) open spaces, whether in connection with a building, a building area or otherwise.

(2) For the purposes of the exercise of any power and the performance of any duty under the provisions of this Ordinance and the Ordinances referred to in subsection (1), concerning the matters referred to in the said subsection (1) when the Minister exercises any power or performs any duty with reference to such matters in conflict or at variance with the exercise or performance of that power or duty by a local authority, the exercise or performance of the power or duty by the Minister shall prevail.

(3) Any reference in those provisions of this Ordinance or of the said Parts of the Ordinances referred to in subsection (1) concerning the matters referred to in the said subsection (1), to a local authority, shall be read and construed so as to include a reference to the Minister.

(4) Nothing in subsection (3) or in any other provision of this Ordinance shall be construed as requiring plans of a building or of an extension to a building to be deposited, in accordance with the general building byelaws, with any person other than a local authority; but where plans are deposited with the local authority, it shall before it approves the plans give 28 days notice to the Minister of its decision thereon, and await the decision of the Minister thereon.

(5) In the case of the approval of plans for the utilisation of any land for the erection of buildings or lay out of such land into building lots under sections 36 and 37, duplicate originals of such plans shall be submitted to the Minister in addition to the plans submitted to a local authority, and the local authority shall, before it approves of such plan as respect any of the matters referred to in subsection (1) or in subsection (2) of section 36 await the decision of the Minister thereon.

(6) The Minister may in exercise of his joint and several responsibility with a local authority under this section exercise any one or more of the powers of the local authority in relation to plans concerning any of the matters referred to in subsection (1) or in subsection (2) of section 36; and notwithstanding anything in this section the Minister may by building byelaws prescribe the areas or matters concerning which he does not require a local authority to await his decision in connection with the plans of buildings or of extensions thereof, or under subsection (4).

(7) In the exercise of his powers and the performance of his functions and duties under and by virtue of this section, the Minister shall consult with the National Housing Authority, the Water and Sewerage Authority and the Chief Drainage Engineer, as the case tion the Minister may by building byelaws prescribe the areas or matters concerning which he does not require a local authority to await his decision in connection with the plans of buildings or of extensions thereof, or under subsection (4).

(7) In the exercise of his powers and the performance of his functions and duties under and by virtue of this section, the Minister shall consult with the National Housing Authority, the Water and Sewerage Authority and the Chief Drainage Engineer, as the case may require.

(8) In this section "Minister" means the member of the Cabinet to whom responsibility for Health is assigned.";

F. Paragraph (*d*) of subsection (2) of section 36 is amended by the addition thereto of the following :— Section 36 of the Ordinance amended

"or the proposed sanitary facilities."

G. Paragraph (*a*) of subsection (2) of section 37 is amended by the addition thereto of the following :— Section 37 of Ordinance amended

"or the proposed sanitary facilities".

Section 54 of Ordinance amended

H. Section 54 of the Ordinance is amended by deleting paragraphs (*c*), (*g*) and (*o*) of subsection (1) thereof, so, however, that any bye-laws made under the said paragraphs continue in force to the extent that they may lawfully be made under Part V of the Ordinance as amended by this Schedule.

Part V of Ordinance repealed and replaced

I. Part V of the Ordinance is repealed and replaced as follows :—

"PART V

Preliminary

55. (1) The provisions of sections 36 and 37 and of Parts V to VII shall be read and construed subject to the Water and Sewerage Act, 1965, and any reference in those provisions to a local authority concerning sanitary conveniences, connected with buildings or otherwise, or the administration of the provisions of sections 36 and 37, as relates to water supply and sanitary facilities, or to power to require houses to be supplied with water or the protection of the public from polluted water, shall be deemed to include a reference to the Authority under the Water and Sewerage Act, 1965.

(2) Nothing in subsection (1) or in any other provision of Parts V to VII shall be construed as requiring plans of a building or of an extension to a building to be deposited, in accordance with the general building bye-laws, with any person other than a local authority; but where plans are deposited with the local authority, it shall before it approves the plan give twenty-one days notice to the Authority of its decision on any matter concerning the proposed water supply or sanitary facilities and await the decision of the Authority thereon.

(3) In the case of the approval of plans for the utilisation of any land for the erection of buildings or layout of such land into building lots under sections 36 and 37, duplicate originals of such plans shall be submitted to the Authority in addition to the plans submitted to a local authority, and the local authority shall, before it approves of such plans as respect the proposed water supply to building lots or the proposed sewerage facilities, await the decision of the Authority thereon.

(4) The Authority may in exercise of its joint and several responsibility with a local authority under the Water and Sewerage Act, 1965, exercise any one or more of the powers of the local authority in relation to plans concerning any of the matters referred to in this section; and notwithstanding anything in this section the Authority may by building bye-laws prescribe the areas or matters concerning which it does not require a local authority to await its decision in connection with the plans of buildings or of extensions thereof, under subsection (2).

(5) Regulations made by the Minister may provide for the time within which the Authority shall consider and give its decision to the local authority concerned regarding the approval of plans referred to in subsection (3).

SANITATION GENERALLY AND IN CONNECTION WITH BUILDINGS

with the plans or buildings or of extensions thereof, under subsection (2).

(5) Regulations made by the Minister may provide for the time within which the Authority shall consider and give its decision to the local authority concerned regarding the approval of plans referred to in subsection (3).

SANITATION GENERALLY AND IN CONNECTION WITH BUILDINGS

Drainage and Drainage disposal

General duty of local authority to provide for drainage of their district

55A. It shall be the duty of every local authority to provide such public drains as may be necessary for effectually draining their district for the purposes of this Ordinance, and to make such provision, by means of drainage disposal works or otherwise as may be necessary for effectually dealing with the drainage district.

Provision of public drains and drainage disposal works

55B. (1) A local authority may within their district and also subject to the provisions of the next succeeding section, without their district—

(*a*) construct a public drain—

(i) in, under or over any street, or under any cellar or vault below any street subject, however, to the provisions of Part VII with respect to the breaking open of streets ; and

(ii) in, on or over any land not forming part of a street, after giving reasonable notice to every owner and occupier of that land ;

(*b*) construct drainage disposal works on any land acquired, or lawfully appropriated for the purpose ;

(*c*) by agreement acquire, whether by way of purchase, lease or otherwise, any drain or drainage disposal works, or the right to use any drain or drainage disposal works.

(2) Where a local authority propose in the exercise of their powers under this section to construct a drain which will cross or interfere with any watercourse or works vested in, or under the control of, a land drainage authority, they shall before adopting plans for the construction of the drain give notice of their proposals to that authority.

(3) If a land drainage authority to whom notice has been given under subsection (2) serve within twenty-eight days on the local authority notice of objection to their proposals, the local authority shall not proceed with their proposals unless all objections so made are withdrawn or the Minister after a local inquiry has approved the proposals either with or without modification.

Notices to be given before constructing public drains, or drainage disposal works, outside district

55C. (1) Where a local authority, in the exercise of their powers under the last preceding section, propose to construct any public drain or drainage disposal works outside their district, the provisions of that section with respect to notices and appeals shall apply, and the authority shall, in addition to giving any notice required by that section—

(*a*) publish by advertisement in a newspaper circulating in Trinidad and Tobago a notice describing the nature of their proposals and specifying the land in or on which they propose to execute any work, and naming a place where a plan illustrative of their proposals may be inspected at all reasonable hours by any person free of charge ; and

(*b*) serve, not later than the date of the publication of the advertisement, a copy of the notice on the local authority of the district in which the proposed work is to be executed.

(2) If, within twenty-eight days after the publication of the notice referred to in subsection (1), notice of objection of their proposals is served on the local authority either by the local authority of the district in which the proposed work is to be executed or by any owner or occupier of land directly affected by the proposals, they shall not proceed with their proposals, unless all objections so made are withdrawn, or the Minister, after a local inquiry, has approved the proposals, either with or without modification.

(3) The foregoing provisions of this section with respect to the publication and service of, and appeals against, such additional notices are therein referred to shall not apply where the work which alocal authority propose to carry out in the district of another local authorty consists only of the construction of a public work is to be executed or by any owner or occupier of land directly affected by the proposals, they shall not proceed with their proposals, unless all objections so made are withdrawn, or the Minister, after a local inquiry, has approved the proposals, either with or without modification.

(3) The foregoing provisions of this section with respect to the publication and service of, and appeals against, such additional notices are therein referred to shall not apply where the work which alocal authority propose to carry out in the district of another local authorty consists only of the construction of a public drain in a highway repairable by the inhabitants at large and they have obtained the consent of that other local authority.

Adoption by local authority of drains and drainage disposal works

55D. (1) Subject to the provisions of this section, a local authority may at any time declare that any drain or drainage disposal works situate within their district, or serving their district or any part of their district, being a drain or works the construction of which was not completed before the commencement of this Part shall, as from such date as may be specified in the declaration, become vested in them but so however, that an authority who propose to make a declaration under this subsection shall give notice of their proposal to the owner or owners of the

drain or works in question, and shall take no further action in the matter until either two months have elapsed without an appeal against their proposal being lodged under subsection (3) or, as the case may be, until any appeal so lodged has been determined.

(2) Subject as aforesaid, the owner, or any of the owners, of any drain or drainage disposal works with respect to which a local authority might have made a declaration under the preceding subsection may make an application to that authority requesting them to make such a declaration with respect thereto.

(3) An owner aggrieved by the proposal of a local authority to make declaration under this section may appeal to the Minister within two months after notice of the proposal is served upon him, and an owner aggrieved by the refusal of a local authority to make such a declaration may appeal to the Minister at any time after receipt of notice of their refusal, or if no such notice is given to him, at any time after the expiration of two months from the making of his application.

On the hearing of an appeal under this subsection, the Minister may allow or disallow the proposal of the local authority or, as the case may be, make any declaration which the local authority might have made, and any declaration so made shall have the same effect as if it had been made by the authority, except that the Minister may, if he thinks fit, specify conditions, including conditions as to the payment of compensation by the local authority, and direct that his declaration shall not take effect unless any conditions so specified are accepted.

(4) A local authority, and on an appeal, the Minister, in deciding whether a declaration should be made under this section, shall have regard to all the circumstances of the case and, in particular, to the following considerations :—

(*a*) whether the drain or works in question is or are adapted to, or required for, any general system of drainage or drainage disposal which the authority have provided, or propose to provide, for their district or any part thereof ;

(*b*) whether the drain is constructed under a highway, or under land reserved by a planning scheme for a street ;

(*c*) the number of buildings which the drain is intended to serve, and whether, regard being had to the proximity of other buildings or the prospect of future development, it is likely to be required to serve additional buildings ;

(*d*) the method of construction and state of repair of the drain or works ; and

(*e*) in a case where an owner objects, whether the making of the proposed declaration would be seriously detrimental to him.

(5) Any person who immediately before the making of a declaration under this section was entitled to use the drain in question shall be entitled to use it, or any drain substituted therefor, to the same extent as if the declaration had not been made.

(6) A declaration or an appplication under this section may be made with respect to a part only of a drain.

(7) Where a local authority are about to take into consideration the question of making a declaration under this section with respect to a drain or drainage [illegible] not been made.

(6) A declaration or an appplication under this section may be made with respect to a part only of a drain.

(7) Where a local authority are about to take into consideration the question of making a declaration under this section with respect to a drain or drainage disposal works situate within the district of another local authority, or situate within their own district but serving the district, or any part of the district, of another local authority, they shall give notice to that other authority, and no declaration shall be made by them until either that other authority have consented thereto, or the Minister, on application made to him, has dispensed with the necessity for such consent, either unconditionally or subject to such conditions as he may think fit to impose.

(8) Where a local authority have made a declaration under this section with respect to a drain or drainage disposal works situate within the district of another local authority they shall forthwith give notice of the fact to that other authority.

regard being had to the proximity of other buildings or the prospect of future development, it is likely to be required to serve additional buildings ;

(9) A local authority shall not, except on the application of the authority concerned, make a declaration under this section with respect to any drain or any part of a drain, or any works, if that drain or part of a drain, or those works, is or are vested in another local authority.

Power of local authority to agree to adopt drain, or drainage disposal works at future date

55E. (1) A local authority may agree with any person constructing, or proposing to construct, a drain or drainage disposal works that, if the drain or works is or are constructed in accordance with the terms of the agreement, they will upon completion of the work, or at some specified date, or on the happening of some future event, declare the drain or works to be vested in them, and any such agreement shall be enforceable against the authority by the owner or occupier for the time being of any premises served by the drain or works.

(2) The foregoing provisions of this section shall apply also in relation to yard drains, but it shall be a condition of any agreement made under those provisions with respect to a yard drain that the declaration shall not be made before the yard drain has become a drain.

(3) A local authority shall not make an agreement under this section with respect to a drain or yard drain or drainage disposal works situate within the district of another local authority until that other authority have consented thereto, or the Minister, on an application made to him, has dispensed with the necessity for such consent, either unconditionally or subject to such conditions as he may think fit to impose.

Power of local authority to require proposed drain or yard drain to be so constructed as to form part of general system

55F. (1) Where a person proposes to construct a yard drain or drain, the local authority may, if they consider that the proposed yard drain or drain is, or is likely to be, needed to form part of a general drainage system which they have provided or propose to provide require him to construct the yard drain or drain in a manner differing, as regards material or size of pipes, depth, fall, direction or outfall, or otherwise, from the manner in which he proposes, or could otherwise be required by them, to construct it, and it shall be his duty to comply with the requirements of the local authority, but, if such person is aggrieved by the requirements of the authority, he may within twenty-eight days appeal to the Minister who may either disallow the requirements or allow them with or without modification.

(2) An authority who exercises the powers conferred upon them by this section shall repay to the person constructing the yard drain or drain the extra expenses reasonably incurred by him in complying with their requirements and, until the yard drain or drain becomes a public drain, they shall also from time to time repay to him so much of any expenses reasonably incurred by him in repairing or maintaining it as may be attributable to their requirements having been made and complied with, and, if any question arises as to the amount of any payment to be made to him under this subsection, that question may on his application be determined by a court of summary jurisdiction, or he may require it to be referred to arbitration.

(3) If any person who under this section has been required by a local authority to construct a yard drain or drain in a particular manner constructs it otherwise than in accordance with the requirements of the authority, he is liable to a fine of two hundred and fifty dollars, but without prejudice to the right of the authority to avail themselves of any other remedy.

(4) Nothing in this section shall apply in relation to so much of any yard drain or drain as is proposed to be constructed by the railway the property of the Corporation established under the Public Transport Service Act, 1965.

Vesting of public drains and

56. (1) All drains and drainage disposal works which, by virtue of the provisions of any enactment or agreement were immediately before the commencement of this Part vested in a local authority, shall continue to be vested in them, and there shall also vest in them—

authority to avail themselves of any other remedy.

(4) Nothing in this section shall apply in relation to so much of any yard drain or drain as is proposed to be constructed by the railway the property of the Corporation established under the Public Transport Service Act, 1965.

Vesting of public drains and drainage disposal works in local authority

56. (1) All drains and drainage disposal works which, by virtue of the provisions of any enactment or agreement were immediately before the commencement of this Part vested in a local authority, shall continue to be vested in them, and there shall also vest in them—

(*a*) all drains and drainage disposal works contructed by them at their expense, or acquired by them ;

(*b*) all drains constructed under any enactment or by virtue of any agreement with a local authority relating to the draining of private streets ; and

(*c*) all drain and drainage disposal works with respect to which a declaration of vesting made under the foregoing provisions of this Part has taken effect.

(2) Drains which by virtue of this section continued to be, or become, vested in a local authority, shall be known as, and are in this part referred to as, "public drains,"

(3) Notwithstanding anything to the contrary in this section, a drain constructed by a local authority after the commencement of this Part for the purpose only of draining property belonging to them shall not be deemed to be a public drain for the purposes of this Part until it has been declared to be a public drain.

Agreements with highway authority for use of highway drains and drains for sanitary purposes, or to allow public drains to be used for drainage of highways

56A. (1) Subject to the provisions of this section, a highway authority and a local authority may agree that—

(*a*) any drain or any drain (within the meaning of paragraph xxii of subsection (1) of section 63L) which is vested in the highway authority may, upon such terms as may be agreed, be used by the local authority for the purpose of conveying surface water from premises or streets ; and

(*b*) any public drain vested in the local authority may, upon such terms as may be agreed, be used by the highway authority for conveying surface water from roads repairable by the highway authority.

(2) Where a drain within the meaning of paragraph xxii of subsection (1) of section 63L or drain with respect to which a highway authority and a local authority propose to make an agreement under this section discharges, whether directly or indirectly, into the drains or drainage disposal works of another local authority, the agreement shall not be made without the consent of that other local authority, who may give their consent upon such terms as they think fit.

(3) A highway authority or local authority shall not unreasonably refuse to enter into an agreement for the purposes of this section or insist unreasonably upon terms unacceptable to the other party, and an authority shall not unreasonably refuse to consent to the making of such an agreement or insist unreasonably upon terms unacceptable to either party thereto, and any question arising under this section as to whether or not any authority is acting unreasonably shall be referred to the Minister, whose decision shall be final.

Power of local authority to alter, or close, public drains

56B. (1) A local authority may alter the size of course of any public drain vested in them, or may discontinue and prohibit the use of any such public drain, entirely, but, before any person who is lawfully using the drain for any purpose is deprived by the authority of the use of the drain for that purpose, they shall provide a drain equally effective for his use for that purpose and shall at their expense carry out any work necessary to make his yard drain or drain communicate with the drains so provided.

(2) In any area not declared a sewerage area by the Authority under the Water and Sewerage Act, 1965, a local authority may alter the size and course of any public drain vested in them, or may discontinue or prohibit the use of any such public drain for the purpose of sullage water drainage.

General duty of local authority to maintain public drains

56C. It shall be the duty of every local authority to maintain, cleanse and empty all public drains vested in them.

Buildings not to be erected without consent over drain or drain shown on deposited map

56D. (1) Where plans of a building or of an extension of a building are, in accordance with general building byelaws deposited with a local authority and it is proposed to erect the building or extension, as the case may be, over any drain which is shown on the map of drains required by this Part to be kept deposited at the offices of the authority, the authority shall reject the plans unless they are satisfied that in the circumstances of the particular case they may properly consent to the erection of the proposed building or extension, either unconditionally or subject to compliance with any requirements specified in their consent.

(2) Any question arising under subsection (1) between a local authority and the person by whom or on whose behalf plans are deposited as to whether the site on which it is proposed to erect a building or an extension of a building over any drain as aforesaid, or whether, and if so upon what conditions, a consent ought to be given by the local authority, may on the application of that person be determined by a court of summary jurisdiction.

56E. Subject to the provisions of this Part, a local authority may give facilities for enabling manufacturers within their district to carry the liquids from their manufacturing processes into a public drain vested in the authority. Local authority to afford facilities for factories to drain into public drains

57. (1) No person shall throw, empty or turn, or suffer or permit to be thrown or emptied or to pass, into any public drain, or into any yard drain or drain communicating with a public drain— Certain matter not to be passed into public drains

(*a*) any matter likely to injure the drain or yard drain, or to interfere with the free flow of its contents, or to affect prejudicially disposal of its contents ; or

(*b*) any chemical refuse or waste steam, or any liquid of a temperature higher than one hundred and ten degrees Fahrenheit, being refuse or steam which, or a liquid which when so heated, is, either alone or in combination with the contents of the sewer or drain, dangerous, or the cause of a nuisance, or prejudicial to health ; or

(*c*) any petroleum spirit, or carbide of calcium.

(2) A person who contravenes any of the provisions of this section is liable to a fine of fifty dollars and to a further fine of twenty-five dollars for each day on which the offence continues after conviction therefor.

(3) In this section the expression " petroleum spirit " means any such—

(*a*) crude petroleum ;

(*b*) oil made from petroleum, or from coal, shale, or other bituminous substances ; or

(*c*) product of petroleum or mixture containing petroleum,

as when tested in the manner prescribed by or under the Petroleum Ordinance, gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit. Ch. 26. Ch. 26. No. 2

57A. (1) A local authority may, by agreement with another local authority, and with the approval of the Minister, cause any drain vested in them to communicate with a drain of, or to discharge into drainage disposal works of, that other authority in such manner, and on such terms, as may be agreed between the authorities. Communication of drains with Drainage of another drainage authority

(2) Where any drain of a local authority discharges, whether directly or indirectly, into the drain or drainage disposal works of another local authority, the first mentioned authority shall not, without the consent of that other authority, enter into any agreement under this section for admitting further drainage to the drains in question.

57B. A local authority shall so discharge their functions under the foregoing provisions of this Part as not to create a nuisance. Local authority not to create any nuisance

enter into any agreement under this section for admitting further drainage to the drains in question.

57B. A local authority shall so discharge their functions under the foregoing provisions of this Part as not to create a nuisance. Local authority not to create any nuisance

57C. Every local authority shall, keep deposited at their offices for inspection by any person at all reasonable hours free of charge, a map showing and distinguishing all drains and yard drains within their district constructed after the commencement of this Part that are— Duty of local authority to keep map showing public drains

(*a*) public drains ;

(*b*) drains with respect to which a declaration of vesting has been made under this Part but has not yet taken effect ;

(*c*) drains or yard drains with respect to which an agreement to make such a declaration in the future has been entered into.

Drainage of sullage water into drains

57D. Upon connecting a house, building or premises with a collecting sewer or street sewer in accordance with subsection (1) of section 66 of the Water and Sewerage Act, 1965, no person shall within a sewerage area declared by the Authority under that Act, discharge any sullage water from any premises into any drain or yard drain, and if any person acts in contravention of the foregoing provisions of this section he is guilty of an offence and liable on summary conviction to a fine of $10.00 and in the case of a continuing offence to a further fine of $1.50 for every day on which the offence continues after conviction therefor.

Private sewers and drains and cesspools

Right of owners and occupiers within district to drain into public sewers

57E. (1) Subject to the provisions of this section, and of section 56B the owner or occupier of any premises, or the owner of any private drain, within the district of a local authority shall be entitled to have his yard drains or drains made to communicate with the public drains of that authority, and thereby to discharge sullage water and surface water from those premises or that private drain.

(2) Nothing in subsection (1) shall entitle any person to discharge directly or indirectly into any public drain any sewage as defined in paragraph (*g*) of subsection (1) of section 61 of the Water and Sewerage Act, 1965 (other than sullage water) or any industrial water of the nature or quantity as respects which such person is required not to comply with the requirements of a notice under subparagraph (*b*) of subsection (2) of section 66 of the said Act.

(3) In any area declared a sewerage area by the Authority under the Water and Sewerage Act, 1965, nothing in this section shall be construed as permitting any person to discharge sullage water into a public drain or yard drain.

(4) Subject to the provisions of Part VII, with respect to the breaking open of streets, the owner or occupier of any premises may break open any street for the purpose of examining, repairing and renewing any yard drain or private drain draining his premises into a public drain.

(5) A person desirous of availing himself of the foregoing provisions of this section shall give to the local authority notice of his proposals, and at any time within twenty-one days after receipt thereof, the authority may by notice to him refuse to permit the communication to be made, if it appears to them that the mode of construction or condition of the yard drain or drain is such that the making of the communication would be prejudicial to their drainage system, and for the purpose of examining the mode of construction and condition of the yard drain or drain they may, if necessary, require it to be laid open for inspection.

(6) Any question arising under subsection (3) between a local authority and a person proposing to make a communication as to the reasonableness of any such requirement of the local authority, or of their refusal to permit a communication to be made, may on the application of that person be determined by a court of summary jurisdiction.

(7) Where the local authority do not under section 57F elect themselves to make the communication, the person making it shall, before commencing the work, give reasonable notice to any person directed by the authority to superintend the execution of the work and afford him all reasonable facilities for superintending the execution thereof.

(8) Any person causing a yard drain or drain to communicate with a public drain without complying with, or in contravention of, any of the provisions of this section, or before the expiration of the period mentioned in subsection (5) is liable to a fine of one hundred dollars and, whether proceedings have or have not been taken by them in respect of that offence, the local authority may close any communication made in contravention of any of those provisions, and recover from the offender any expenses reasonably incurred by them in so doing.

Right of

57F. (1) Where under section 57E a person gives to a local authority notice

the execution thereof.

(8) Any person causing a yard drain or drain to communicate with a public drain without complying with, or in contravention of, any of the provisions of this section, or before the expiration of the period mentioned in subsection (5) is liable to a fine of one hundred dollars and, whether proceedings have or have not been taken by them in respect of that offence, the local authority may close any communication made in contravention of any of those provisions, and recover from the offender any expenses reasonably incurred by them in so doing.

Right of local authority to undertake the making of communications with public drains

57F. (1) Where under section 57E a person gives to a local authority notice of his proposal to have his yard drains or drains made to communicate with a public drain of that authority, the authority may, within fourteen days after the receipt of the notice or, if any question arising under the notice requires to be determined by a court of summary jurisdiction or by an arbitrator, within fourteen days after the decision of that question, give notice to that person that they intend themselves to make the communication and, if after such a notice has been given to him, he proceeds himself to make the communication, he is liable to a fine of two hundred and fifty dollars.

(2) Where a local authority have given such a notice as aforesaid, they shall have all such rights in respect of the making of the communication as the person desiring it to be made would have, but it shall not be obligatory on them to make the communication until the cost of the work, as estimated by their Engineer, has been paid to them, or security for payment has been given to their satisfaction.

(3) If any payment so made to the local authority exceeds the expenses reasonably incurred by them in execution of the work, the excess shall be repaid by them and, if and so far as those expenses are not covered by the payment, if any, made to them, they may recover the expenses, or the balance thereof, from the person for whom the work was done.

(4) For the purpose of this section, the making of the communication between a yard drain or private drain and a public drain includes all such work as involves the breaking open of a street.

New buildings to be provided with any necessary yard drains, &c.

57G. (1) Where plans of a building or of an extension of a building are, in accordance with general building byelaws, deposited with a local authority, the authority shall reject the plans unless either the plans show that satisfactory provisions will be made for the drainage of the building or of the extension, as the case may be, or the authority are satisfied that in the case of the particular building or extension they may properly dispense with any provision for drainage.

(2) Any question arising under subsection (1) between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether provision for drainage may properly be dispensed with, or whether any provision for drainage proposed to be provided ought to be accepted by the authority as satisfactory, may on the application of that person be determined by a court of summary jurisdiction.

(3) A proposed yard drain shall not be deemed to be a satisfactory yard drain for the purposes of this section unless it is proposed to be made, as the local authority, or on appeal a court of summary jurisdiction, may require, either to connect with a drain, or in the case of a house building or premises of the prescribed annual value exempted from the provisions of subsection (5) of section 66 of the Water and Sewerage Act, 1965, under subsection (2) of the said section 66 to discharge into a cesspool or into some other place, except that, subject to the provisions of subsection (4) a yard drain shall not be required to be made to connect with a drain unless—

(*a*) that drain is within one hundred and fifty feet of the site of the building or, in the case of an extension, the site either of the extension or of the original building, and is at a level which makes it reasonably practicable to construct a yard drain to communicate therewith, and, if it is not a public drain, is a drain which the person constructing the yard drain is entitled to use ; and

(*b*) the intervening land is land through which that person is entitled to construct a yard drain.

(4) Notwithstanding anything in paragraph (*a*) of subsection (3), a yard drain may be required to be made to connect with a drain which is not within the distance mentioned in that paragraph, but is otherwise such a drain as is therein mentioned, if the authority undertake to bear so much of the expenses reasonably incurred in constructing, and in maintaining and repairing the yard drain as may be attributable to the fact that the distance of the drain exceeds the distance so mentioned.

If any question arises as to the amount of any payment to be made to a person

(*b*) the intervening land is land through which that person is entitled to construct a yard drain.

(4) Notwithstanding anything in paragraph (*a*) of subsection (3), a yard drain may be required to be made to connect with a drain which is not within the distance mentioned in that paragraph, but is otherwise such a drain as is therein mentioned, if the authority undertake to bear so much of the expenses reasonably incurred in constructing, and in maintaining and repairing the yard drain as may be attributable to the fact that the distance of the drain exceeds the distance so mentioned.

If any question arises as to the amount of any payment to be made to a person under this subsection, that question may on his application be determined by a court of summary jurisdiction, or he may require it to be referred to arbitration.

Drainage of buildings in combination

58. (1) Where a local authority might under section 57G require each of two or more buildings to be drained separately into an existing drain, but it appears to the authority that those buildings may be drained more economically or advantageously in combination, the authority may, when the yard drains of the buildings are first laid, require that the buildings be drained in combination into the existing drain by means of a private drain to be constructed either by the owners of the buildings in such manner as the authority may direct, or, if the authority so elect, by the local authority on behalf of the owners.

(2) Nothing in subsection (1) shall be regarded as permitting a local authority, except by agreement with the owners concerned, to exercise the powers conferred by that subsection in respect of any building for the drainage of which plans have been previously passed by them.

(3) A local authority who makes such a requirement as aforesaid shall fix the proportions in which the expenses of constructing, and of maintaining and repairing, the private drain are to be borne by the owners concerned, or, in a case in which the distance of the existing drain from the site of any of the buildings in question is or exceeds one hundred and fifty feet, the proportions in which those expenses are to be borne by the owners concerned and the local authority, and shall forthwith give notice of their decision to each owner affected.

An owner aggrieved by the decision of a local authority under this subsection may appeal to a court of summary jurisdiction ; but, subject to any such appeal, any expenses reasonably incurred in constructing, or in maintaining or repairing, the private drain shall be borne in the proportions so fixed, and those expenses, or, as the case may be, contributions thereto, may be recovered accordingly by the persons whether the local authority or owners, by whom they were incurred in the first instance.

(4) A drain constructed by a local authority under this section shall not be deemed to be a public drain by reason of the fact that the expenses of its construction are in the first instance defrayed by the authority, or by reason of the fact that some part of those expenses is borne by them.

Provisions as to drainage, &c., of existing buildings

58A. (1) If it appears to a local authority that in the case of any building—

(*a*) satisfactory provision has not been, and ought to be made for drainage as defined in section 57G; or

(*b*) any cesspool, private drain, yard drain, soil pipe, rain water pipe, spout, sink or other necessary appliance provided for the building, is insufficient or, in the case of a private drain or yard drain communicating directly or indirectly, with a public drain, is so defective as to admit subsoil water; or

(*c*) any cesspool or other such work or appliance as aforesaid provided for the building is in such a condition as to be prejudicial to health or a nuisance ; or

(*d*) any cesspool, private drain or yard drain formerly used for the drainage of the building, but no longer used therefore, is prejudicial to health or a nuisance,

they shall by notice require the owner of the building to make satisfactory provision for the drainage of the building, or, as the case may be, require either the owner or the occupier of the building to do such work as may be necessary for renewing, repairing or cleansing the existing cesspool, drain, yard drain, pipe, spout, sink or other appliance, or for filling up, removing or otherwise rendering innocuous the disused cesspool, drain or yard drain.

The provisions of Part VII with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this subsection.

(2) Subsections (3) and (4) of section 57G shall apply in relation to any

or the occupier of the building to do such work as may be necessary for renewing, repairing or cleansing the existing cesspool, drain, yard drain, pipe, spout, sink or other appliance, or for filling up, removing or otherwise rendering innocuous the disused cesspool, drain or yard drain.

The provisions of Part VII with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this subsection.

(2) Subsections (3) and (4) of section 57G shall apply in relation to any drain which a local authority require to be constructed under this section as they apply in relation to any such proposed yard drain as is mentioned in that section.

(3) Subject as hereinafter provided, the provisions of subsection (1), so far as they empower a local authority to take action in such cases as are mentioned in paragraphs (*a*) and (*b*) of the subsection, shall not apply in relation to a building which belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking, but so that the exemption conferred by this subsection shall not extend to houses, or to buildings used as offices or showrooms, other than buildings so used which form part of a railway station.

Power of local authority to alter drainage system of premises

58B. (1) Where any premises have a yard drain or drain communicating with a public drain or cesspool, but that system of drainage, though sufficient for the effectual drainage of the premises, is not adapted to the general drainage system of the district, or is in the opinion of the local authority otherwise objectionable, the authority may, at their own expense and on condition that they first provide in a position equally effectual for the drainage thereof and communicating with a public drain, close the existing yard drain or drain and fill up the cesspool, if any, and do any work necessary for that purpose.

(2) A local authority who propose to execute any work under this section shall give notice of their proposals to the owner of the premises in question and, if he is aggrieved thereby, as regards either the position or the sufficiency of the yard drain or drain proposed to be provided for the drainage of the premises, he may appeal to a court of summary jurisdiction.

Sanitary conveniences for buildings

Closet accommodation to be provided for new buildings

58C. (1) Where plans of a building or of an extension of a building are, in accordance with the general building byelaws, deposited with a local authority, the authority shall reject the plans unless either the plans show that sufficient and satisfactory closet accommodation consisting of one or more water closets or earth closets, as the authority may approve, will be provided, or the authority are satisfied that in the case of the particular building or extension they may properly dispense with the provision of closet accommodation.

(2) Notwithstanding subsection (1)—

(*a*) unless a sufficient water supply is available whether on the premises, or from a main the authority shall not reject the plans on the ground that the proposed accommodation consists of or includes an earth closet or earth closets ; and

(*b*) if the plans show that the proposed building or, as the case may be, extension is likely to be used as a factory, workshop or workplace, in which persons of both sexes will be employed, or will be in attendance the authority shall reject the plans, unless either the plans show that sufficient and satisfactory separate closet accommodation for persons of each sex will be provided, or the Authority are satisfied that in the circumstances of the particular case they may properly dispense with the provision of such separate accommodation.

(3) Any question arising under this section between a local authority and the person by whom or on whose behalf, plans are deposited as to whether—

(*a*) the provision of closet accommodation, or, as the case may be, the provision of separate closet accommodation for persons of each sex, may properly be dispensed with ; or

(*b*) the closet accommodation proposed to be provided is sufficient and satisfactory or, as the case may be, sufficient and satisfactory for person of either sex ; or

(*c*) the provision of an earth closet in lieu of a water closet should in any particular instance be approved,

may on the application of that person be determined by a court of summary jurisdiction.

Buildings having insufficient accommodation or closets so defective as to require reconstruction

58D. (1) If it appears to a local authority—

(*a*) that any building is without sufficient closet accommodation ; or

(*b*) that any closets provided for or in connection with a building are in such a state as to be prejudicial to health or a nuisance and cannot without reconstruction be put into a satisfactory condition,

the authority shall by notice to the owner of the building require him to provide the building with such closets or additional closets, or such substituted closets, being in each case either water closets or earth closets, as may be necessary, except that unless a sufficient water supply is available either on the premises or from a main the authority shall not require the provision of a water closet except in substitution for an existing water closet.

(2) The provisions of Part VII with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this section.

(3) This section shall not apply to a factory or workshop or to a building to which section 59A applies.

Buildings having defective closets capable of repair

59. (1) If it appears to a local authority that any closets provided for or in connection with a building are in such a state as to be prejudicial to health or a nuisance, but that they can without reconstruction be put into satisfactory condition the authority shall by notice require the owner or the occupier of the building to execute such works, or to take such steps by cleansing the closets or otherwise, as may be necessary for that purpose.

(2) In so far as a notice under this section requires, a person to execute works, the provisions of Part VII with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to the notice.

(3) In so far as such a notice requires a person to take any steps other than the execution of works, he is, if he fails to comply with the notice, liable to a fine of twenty-five dollars and to a further fine of ten dollars for each day on which the offence continues after conviction therefor.

(4) In any proceedings under subsection (3), it shall be open to the defendant to question the reasonableness of the authority's requirements or of their decision to address their notice to him and not to the occupier or, as the case may be, the owner of the building.

(5) This section shall apply to a factory or workshop or to a building to which the next succeeding section applies.

Sanitary conveniences in, factories, workshops and workplaces No. of 1965

59A. (1) In any area declared a sewerage area for the purpose of the Water and Sewerage Act, 1965, every building which is used as a workplace shall be provided with sufficient and satisfactory accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in, or in attendance at, the building and also, where persons of both sexes are employed or in attendance, with sufficient and satisfactory separate accommodation for persons of each sex, unless the local authority are satisfied that in the circumstances of the particular case the provision of such separate accommodation is unnecessary.

(2) If it appears to the local authority that the provisions of the preceding subsection are not complied with in the case of any building, they shall by notice require the owner or the occupier of the building to make such alterations in the existing conveniences, and to provide such additional conveniences, as may be necessary.

(3) The provisions of Part VII with respect to appeals against and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this section.

Replacement of closets, &c., by water-

59B. (1) In any area not declared a sewerage area for the purposes of the Water and Sewerage Act, 1965, if a building has a sufficient water supply available, either on the premises or from a main the local authority may, subject to the provisions of this section, by notice to the owner of the building require that any closets, other than waterclosets, provided for, or in connection with, the building shall be replaced by waterclosets, notwithstanding that the closets are not in to any notice given under this section.

Replacement of closets, &c., by water-closets at joint expense of owner and local authority

59B. (1) In any area not declared a sewerage area for the purposes of the Water and Sewerage Act, 1965, if a building has a sufficient water supply available, either on the premises or from a main the local authority may, subject to the provisions of this section, by notice to the owner of the building require that any closets, other than waterclosets, provided for, or in connection with, the building shall be replaced by waterclosets, notwithstanding that the closets are not in sufficient in number and are not prejudicial to health or a nuisance.

(2) A notice under this section shall either require the owner to execute the necessary works, or require that the authority themselves shall be allowed to execute them, and shall state the effect of the next succeeding subsection.

(3) Where under subsection (2) a local authority requires that they shall be allowed to execute the works, they shall be entitled to recover from the owner one-half of the expenses reasonably incurred by them in the execution of the works, and, where they require the owner to execute the works, the owner shall be entitled to recover from them one-half of the expenses reasonably incurred by him in the execution thereof.

(4) Where the owner of a building proposes to provide it with a water-closet in substitution for a closet of any other type, the local authority may, if they think fit, agree to pay to him a part, not exceeding one-half of the expenses reasonably incurred in effecting the replacement, notwithstanding that a notice has not been served by them under this section.

(5) The provisions of Part VII with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under this section requiring a person either to execute works or to allow works to be executed, subject however to the modifications that no appeal shall lie on the ground that the works are unnecessary and that any reference in the said provisions to the expenses reasonably incurred in executing works shall be construed as a reference to one-half of those expenses.

Supplemental provisions as to drains, sanitary conveniences, cesspools, &c.

Power of local authority to examine and test drains, sanitary conveniences, &c., believed to be defective

59C. (1) Where it appears to a local authority that there are reasonable grounds for believing that a sanitary convenience, yard drain, private drain, septic tank system or cesspool is in such a condition as to be prejudicial to health or a nuisance, or that a yard drain or private drain communicating directly or indirectly with a public drain is so defective as to admit subsoil water, they may examine its condition, and for that purpose may apply any test, and, if they deem it necessary, open the ground.

(2) If on examination the convenience, yard drain, drain, septic tank system or cesspool is found to be in proper condition, the authority shall, as soon as possible, reinstate any ground which has been opened by them and make good any damage by them.

Rooms over closets of certain types or over ash-pits, &c., not to be used as living, sleeping or work rooms

59D. (1) A room which, or any part of which, is immediately over a closet, other than a water closet or earth closet, or immediately over a cesspool, midden or ashpit, shall not be occupied as a living room, sleeping room or workroom.

(2) Any person who, after seven days' notice from the local authority occupies any room in contravention of the provisions of this section, or who permits any room to be so occupied, is liable to a fine of twenty-five dollars, and to a further fine of ten dollars for each day on which the offence continues after conviction therefor.

Overflowing and leaking cesspools

59E. (1) If the contents of any cesspool soak therefrom or overflow, the local authority may by notice require the person by whose act, default or sufferance the soakage or overflow occurred or continued to execute such works, or to take such steps by periodically emptying the cesspool or otherwise, as may be necessary for preventing the soakage or overflow.

(2) Subsection (1) shall not apply in relation to the effluent from a properly constructed tank for the reception and treatment of sewage, if that effluent is of such a character, and is so conveyed away and disposed of, as not to be prejudicial to health or a nuisance.

(3) In so far as a notice under this section requires a person to execute

Overflowing and leaking cesspools

59E. (1) If the contents of any cesspool soak therefrom or overflow, the local authority may by notice require the person by whose act, default or sufferance the soakage or overflow occurred or continued to execute such works, or to take such steps by periodically emptying the cesspool or otherwise, as may be necessary for preventing the soakage or overflow.

(2) Subsection (1) shall not apply in relation to the effluent from a properly constructed tank for the reception and treatment of sewage, if that effluent is of such a character, and is so conveyed away and disposed of, as not to be prejudicial to health or a nuisance.

(3) In so far as a notice under this section requires a person to execute works, the provision of Part VII with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to the notice.

(4) In so far as such a notice requires a person to take any steps other than the execution of works, he is, if he fails to comply with the notice liable to a fine of twenty-five dollars, and to a further fine of ten dollars for each day on which the offence continues after conviction therefor.

(5) In any proceedings under subsection (4), it shall be open to the defendant to question the reasonableness of the authority's requirements.

Care of closets

59F. (1) The occupier of every building in, or in connection with, which a water closet or an earth closet is provided shall, in the case of a water closet, cause the flushing apparatus thereof to be kept supplied with water sufficient for flushing and shall, in the case of an earth closet, cause it to be kept supplied with dry earth or other suitable deodorising material.

(2) A person who fails to comply with any of the provisions of this section is liable to a fine of ten dollars.

Care of sanitary conveniences used in common

60. Where a sanitary convenience is used in common by the members of two or more families, the following provisions shall have effect :—

(*a*) if any person injures or improperly fouls the convenience, or anything used in connection therewith, or wilfully or by negligence causes an obstruction in the drain therefrom, he is liable to a fine of ten dollars ;

(*b*) if the convenience, or the approach thereto, is, for want of proper cleansing or attention, in such a condition as to be insanitary, such of the persons having the use thereof in common as are in default, or, in the absence of satisfactory proof as to which of them is in default, each of them is liable to a fine of two dollars and fifty cents, and to a further fine of one dollar and fifty cents for each day on which the offence continues after conviction therefor.

Bye-laws concerning sanitation in connection with buildings

Bye-laws as to sanitation in buildings

60A. (1) A local authority as well as the Water and Sewerage Authority established under the Water and Sewerage Act, 1965, may, subject to confirmation by the Minister, make bye-laws for regulating any one or more of the following matters :-

(*a*) sanitary conveniences in connection with buildings, including the means for conveying refuse water and water from roofs and from yards appurtenant to buildings, cesspools and other means for the reception or disposal of foul matter in connection with buildings ;

(*b*) ashpits in connection with buildings ;

(*c*) wells, tanks and cisterns for the supply of water for human consumption in connection with buildings ;

(*d*) stoves and other fittings in buildings (not being electric stoves or fittings), in so far as byelaws with respect to such matters are required for the purposes of health and the prevention of fire ;

(*e*) private drains, communications between yard drains and drains and between drains.

(2) Bye-laws made under this section may include provisions as to—

(*a*) the giving of notices and the deposit of plans, sections, specificatons (estimates) and written particulars ; and

(*b*) the inspection of work, the testing of drains and sewers, and the taking by the local authority of samples of materials to be used in the execution of the works.

(3) A local authority who proposes to apply to the Minister for confirmation of any bye-laws madeunder this section shall publish in the *Gazette* at least one month before the application is made, notice of their intention to apply for confirmation.

Power to require removal or alteration of work not in conformity with bye-laws, or executed notwithstanding rejection of plans, &c.

60B. (1) If any work to which building bye-laws are applicable contravenes any of those bye-laws, the authority, without prejudice to their right to take proceedings for a fine in respect of the contravention, may by notice require the owner either to pull down or remove the work or, if he so elects, to effect such alteration therein as may be necessary to make it comply with the bye-laws.

(2) If any work to which building bye-laws are applicable is executed otherwise than in accordance with any requirements of the building bye-laws, the authority may by notice to the owner either require him to pull down or remove the work, or if he so elects, to comply with any other requirements specified in the notice, being requirements which they might have made in building bye-laws.

(3) If a person to whom a notice has been given under the foregoing provisions of this section fails to comply with the notice before the expiration of twenty-eight days, or such longer period as a court of summary jurisdiction may on his application allow, the local authority may pull down or remove the work in question, or effect such alterations therein as they deem necessary, and may recover from him the expenses reasonably incurred by them in so doing.

(4) No such notice as is mentioned in subsection (1) or subsection (2) shall be given after the expiration of twelve months from the date of the completion of the work in question.

(5) Nothing in this section shall affect the right of a local authority, or of the Attorney General, or any other person, to apply for an injunction for the removal or alteration of any work on the ground that it contravenes any byelaw or any enactment in this Part.

General

60C. In this Part— Interpretation of Part V

"cesspool" includes a settlement tank or other tank for the reception or disposal of foul matter from buildings ;

"closet" includes privy ;

"earth closet" means a closet having a moveable receptacle for the reception of faecal matter and its deodorisation by the use of earth, ashes or chemicals, or by other methods ;

"sanitary conveniences" means closets and urinals ;

"sewerage system" means a system of sewers privately laid by a person in connection with a building or buildings and in accordance with any requirements pursuant to sections 36 and 37;

"surface water" includes water from roofs ;

"vermin", in its application to insects and parasites, includes their eggs, larvae and pupae, and the expression "verminous" shall be construed accordingly ; and

"watercloset" means a closet which has a separate fixed receptacle connected to a sewerage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action.

PART VI

Water Supply

Power of Local Authority to require houses to be supplied with water

60D. (1) Where plans of a house are, in accordance with general building bye-laws, deposited with a local authority, the authority shall reject the plans unless there is put before them a proposal which appears to them to be satisfactory for providing the occupants of the house with a supply of wholesome water sufficient for their domestic purposes— New houses to be provided with sufficient water supply No. 16 of 1965

(*a*) by connecting the house to a supply of water in pipes provided by the Authority under the Water and Sewerage Act, 1965 ;

(*b*) if in all the circumstances it is not reasonable to require the house to be connected as aforesaid, by otherwise taking water into the house by means of a pipe ; or

(*c*) if in all the circumstances neither of the preceding alternatives can reasonably be required, by providing a supply of water within a reason-

for providing the occupants of the house with a supply of wholesome water sufficient for their domestic purposes— provided with sufficient water supply No. 16 of 1965

(*a*) by connecting the house to a supply of water in pipes provided by the Authority under the Water and Sewerage Act, 1965 ;

(*b*) if in all the circumstances it is not reasonable to require the house to be connected as aforesaid, by otherwise taking water into the house by means of a pipe ; or

(*c*) if in all the circumstances neither of the preceding alternatives can reasonably be required, by providing a supply of water within a reasonable distance of the house, and the Authority are satisfied that the proposal can and will be carried into effect.

Any question arising under this subsection between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether the local authority ought to pass the plans may on the application of that person be determined by a court of summary jurisdiction.

(2) If, after any such plans as aforesaid have been passed, it appears to the local authority that the proposal for providing a supply of water has not been carried into effect, or has not resulted in a supply of wholesome water sufficient

for the domestic purposes of the occupants, the authority shall give notice to the owner of the house, prohibiting him from occupying it, or permitting it to be occupied, until the authority, being satisfied that such a supply has been provided, have granted him a certificate to that effect and, until such a certificate has been granted, he shall not, occupy the house or permit it to be occupied.

(3) Any person aggrieved by the refusal of the authority to grant such a certificate may apply to a court of summary jurisdiction for an order authorising the occupation of the house and, if the court is of opinion that a certificate ought to have been granted, the court may make an order authorising the occupation of the house, and such an order shall have the like effect as a certificate of the local authority.

(4) Any person who contravenes the provisions of the last preceding subsection is liable to a fine of twenty-five dollars and to a further fine of two dollars and fifty cents for each day on which the offence continues after conviction therefor.

Power of local authority to require any occupied house to be provided with sufficient water supply No. 16 of 1965

60E. (1) Where a local authority is satisfied that any occupied house has not a supply of wholesome water in pipes in the house sufficient for the domestic purposes of the occupants, the local authority may—

(*a*) if they are satisfied that in all the circumstances it is reasonable to require the owner of the house to connect it to a supply of water pipes provided by the Authority under the Water and Sewerage Act, 1965, give notice to the owner requiring him within a time specified therein to connect the house as aforesaid ;

(*b*) if they are not satisfied that it is reasonable in all the circumstances to require the owner to connect the house as aforesaid, but are satisfied that it is reasonable to require him otherwise to take water into the house by means of a pipe, give notice to the owner requiring him within a time specified therein so to take water into the house.

(2) Where a local authority is satisfied that any occupied house has not within a reasonable distance thereof a supply of wholesome water sufficient for the domestic purposes of the occupants and that in all circumstances it is not reasonable to require the owner to connect the house, or to take water into the house, as aforesaid, the local authority may give notice to the owner requiring him within a time specified therein to provide a sufficient supply of wholesome water within a reasonable distance of the house.

(3) If a person on whom a notice has been served under the preceding provisions of this section objects to the requirement of the local authority, he may, within twenty-eight days after service on him of the notice, appeal to a court of summary jurisdiction and, upon any such appeal, the court may either disallow the requirements of the local authority or allow it with or without modifications.

(4) If any requirement contained in a notice given under the preceding provisions of this section, including a requirement modified by the court under the last preceding subsection, is not complied with within time specified in the notice or, if the court extends that time, within the time as so extended, the local authority may themselves provide, or secure the provision of, a supply of water to the house or houses in question and may recover any expenses reasonably incurred by them in so doing from the owner of the house, or, where two or more houses are concerned, from the owners of these houses in such proportions as may be determined by the authority or, in case of dispute, by a court of summary jurisdiction ; so however that an owner shall not be required to pay more than one hundred dollars in respect of any one house.

provisions of this section, including a requirement modified by the court under the last preceding subsection, is not complied with within time specified in the notice or, if the court extends that time, within the time as so extended, the local authority may themselves provide, or secure the provision of, a supply of water to the house or houses in question and may recover any expenses reasonably incurred by them in so doing from the owner of the house, or, where two or more houses are concerned, from the owners of these houses in such proportions as may be determined by the authority or, in case of dispute, by a court of summary jurisdiction ; so however that an owner shall not be required to pay more than one hundred dollars in respect of any one house.

(5) Where under this section a supply of water is furnished to a house by the Authority under the Water and Sewerage Act, 1965, water rates may be made on the premises and recovered as if the owner or occupier of the house had requested and agreed to pay water rates for a supply.

(6) Where under this section two or more houses in the occupation of different persons are supplied with water by a common pipe belonging to the owners or occupiers of those houses or part of houses, or to some of them, the local authority may, when necessary, repair or renew the pipe and recover any expenses reasonably

incurred by them in so doing from the owner or occupiers of the houses in such proportions as may be determined by the authority or in case of dispute, by a court of summary jurisdiction.

Provisions for the protection of public from polluted water

Power to close, or restrict use of water from, polluted source of supply

60F. (1) If a local authority are of opinion that the water in or obtained from any well, tank or other source of supply other than the water supply vested in the Authority under section 10 of the Water and Sewerage Act, 1965, being water which is, or is likely to be, used for domestic purposes, or in the preparation of food or drink for human consumption, is, or is likely to become, so polluted as to be prejudicial to health, the authority may apply to a court of summary jurisdiction and thereupon a summons may be issued to the owner or occupier of the premises to which the source of supply belongs, or to any other person alleged in the application to have control thereof.

(2) Upon the hearing of the summons, the court may make an order directing the source of supply to be permanently or temporarily closed or cut off, or the water therefrom to be used for certain purposes only, or such other order as appears to the court to be necessary to prevent injury or danger to the health of persons using the water, or consuming food or drink prepared therewith or therefrom.

The court shall hear any user of the water who claims to be heard, and may cause the water to be analysed at the cost of the local authority.

(3) If a person to whom an order is made under this section fails to comply therewith, the court may, on the application of the local authority, authorise them to do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by the authority in so doing may be recovered by them from the person in default.

Power to deal with insanitary cisterns, &c.

60G. Any well, tank, cistern, or water-butt used for the supply of water for domestic purposes which is so placed, constructed or kept as to render the water therein liable to contamination or prejudicial to health, shall be a statutory nuisance for the purposes of section 70.

Definition for purposes of section 60D and 60G

60H. In sections 60D to 60G a reference to water sufficient for domestic purposes shall be construed in accordance with the expression, "a supply of water for domestic purposes" in paragraph 1 of the Fourth Schedule to the Water and Sewerage Act, 1965.

60I. (1) Subject to section 51 of the Water and Sewerage Act, 1965 a local authority may make byelaws for securing the cleanliness and freedom from pollution of wells and tanks for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man; and in such bye-laws may prescribe the means by which such wells and tanks shall be made and kept clean and free from pollution.

(2) In this Part of this Ordinance, the expression "tank" includes any receptacle, whether movable or fixed, and whether made of wood, metal, stone, brick, concrete, or other material.

PART VII

General Provisions Relating to Parts V and VI

(2) In this Part of this Ordinance, the expression "tank" includes any receptacle, whether movable or fixed, and whether made of wood, metal, stone, brick, concrete, or other material.

PART VII

General Provisions Relating to Parts V and VI

Supplemental as to powers of local authorities

Power of local authority to execute certain works on behalf of owners or occupiers

61. A local authority may by agreement with the owner or occupier of any premises themselves execute at his expense any work which they have under Parts V and VI required him to execute, or any work in connection with the construction, laying, alteration or repair of a drain or yard drain, which he is entitled to execute, and for that purpose they shall have all such rights as he would have.

Power of local authority to sell certain materials

61A. (1) A local authority may sell any materials which have been removed by them from any premises, including any street, when executing works under, or otherwise carrying into effect the provisions of Parts V and VI, and which are not before the expiration of three days from the date of their removal claimed by the owner and taken away by him.

(2) Where a local authority sell any materials under this section, they shall pay the proceeds to the person to whom the materials belonged after deducting the amount of any expenses recoverable by them from him.

(3) This section does not apply to refuse removed by a local authority.

Power of local authority to require information as to ownership of premises

61B. A local authority may, for the purpose of enabling them to perform any of their functions under Parts V and VI, require the occupier of any premises, and any person who either directly or indirectly receives rent in respect of any premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, and any person who having been required by a local authority in pursuance of this section to give to them any information fails to give that information, or knowingly makes any misstatement in respect thereof, is liable to a fine of twenty-five dollars.

Compensation to individuals for damage resulting from exercise of powers under Parts V and VI

61C. (1) Subject to the provisions of this section, a local authority shall make full compensation to any person who has sustained damage by reason of the exercise by the authority of any of their powers under Parts V and VI in relation to a matter as to which he has not himself been in default.

(2) Any dispute arising under this section as to the fact of damage, or as to the amount of compensation, shall be determined by arbitration, save that if the compensation claimed does not exceed two hundred and fifty dollars, all questions as to the fact of damage, liability to pay compensation and the amount of compensation may on the application of either party be determined by, and any compensation awarded may be recovered before, a court of summary jurisdiction.

(3) No person shall be entitled by virtue of this section to claim compensation on the ground that a local authority have in the exercise of their powers under Parts V and VI declared any drain or drainage disposal works, whether belonging to him or not, to be vested in them, or on the ground that he has sustained damage by reason of any action of a local authority in respect of which the authority are by Parts V and VI authorised to pay compensation if they think fit.

(4) Where an owner of land claims compensation for damage sustained by reason of a local authority having, in the exercise of their powers under Parts V and VI, constructed a sewer in, on or over his land, the tribunal determining the amount of the compensation shall determine also by what amount, if any, the value to the claimant of any land belonging to him has been enhanced by the construction of the sewer, and the local authority shall be entitled to set off that amount against the amount of any compensation awarded.

Breaking open of Streets

General

61D. For the purposes of any section of Parts V and VI which confers powers on local authorities to construct, lay or maintain sewers, drains or pipes, the VI, constructed a sewer in, on or over his land, the tribunal determining the amount of the compensation shall determine also by what amount, if any, the value to the claimant of any land belonging to him has been enhanced by the construction of the sewer, and the local authority shall be entitled to set off that amount against the amount of any compensation awarded.

Breaking open of Streets

General provisions as to breaking open streets

No. 16 of 1965

61D. For the purposes of any section of Parts V and VI which confers powers on local authorities to construct, lay or maintain sewers, drains or pipes, the provisions of Part III of the Third Schedule to the Water and Sewerage Act, 1965 shall be incorporated with Parts V and VI, subject, however, to such adaptations as may be necessary to make those provisions applicable to the construction and maintenance of sewers and drains.

(2) The provisions so incorporated with adaptations as aforesaid shall apply in relation to any person not being a local authority who is empowered by Parts V and VI to construct, lay or maintain a sewer or drain as if, so far as his powers extend, he were the Authority under the Water and Sewerage Act, 1965.

Notices, &c.

Notices to be in writing; forms of notices, &c.

61E. (1) All notices, orders, consents, demands and other documents authorised or required by or under Parts V and VI to be given, made or issued by a local authority, and all notices and applications authorised or required by or under Parts V and VI to be given or made to, or to any officer of, a local authority shall be in writing.

(2) The Minister may by regulations prescribe the form of any notice, advertisement, certificate or other document to be used for any of the purposes of Parts V and VI and, if forms are so prescribed, those forms or forms to the like effect may be used in all cases to which those forms are applicable.

Authentication of documents

61F. (1) Any notice, order, consent, demand or other document which a local authority are authorised or required by or under Parts V and VI to give, make or issue may be signed on behalf of the local authority—

(*a*) by the clerk of the local authority;

(*b*) by the Engineer, the medical officer of health, the sanitary inspector or the chief financial officer, of the local authority as respects documents relating to matters within their respective provinces

(*c*) by any officer of the local authority authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular document.

(2) Any document purporting to bear the signature of an officer expressed to hold an office by virtue of which he is under this section empowered to sign such a document, or expressed to be duly authorised by the local authority to sign such a document or the particular document, shall for the purpose of Parts V and VI, and of any byelaws and orders made thereunder, be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the local authority.

In this subsection the expression " signature " includes a facsimile of a signature by whatever process reproduced.

Proof of resolutions, &c.

62. In any proceedings under Parts V and VI a document purporting to be certified by the clerk of a local authority as a copy of a resolution or order passed or made by that local authority on a specified date, or of the appointment of, or of any authority given to, an officer of that local authority on a specified date, shall be evidence that that resolution, order, appointment or authority was duly passed, made, or given by the local authority on the said date.

Entry and obstruction

Power to enter premises

62A. (1) Subject to the provisions of this section, any authorised officer of a local authority shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at reasonable hours—

(*a*) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of Parts V and VI or of any byelaws made thereunder, being provisions which it is the duty of the local authority to enforce ;

(*b*) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the local authority to take any

Power to enter premises

62A. (1) Subject to the provisions of this section, any authorised officer of a local authority shall, on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at reasonable hours—

(*a*) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of Parts V and VI or of any byelaws made thereunder, being provisions which it is the duty of the local authority to enforce ;

(*b*) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the local authority to take any action, or execute any work, under Parts V and VI or any such byelaws ;

(*c*) for the purpose of taking any action, or executing any work, authorised or required by Parts V and VI or any such byelaws, or any order made under Parts V and VI, to be taken or executed by the local authority;

(*d*) generally, for the purpose of the performance by the local authority of their functions under Parts V and VI or any such byelaws, so however that admission to any premises not being a factory, workshop or workplace, shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

(*a*) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or the occupier is temporarily absent, or that the case is one of urgency or that an application for admission would defeat the object of the entry ; and

(*b*) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the justice may by warrant under his hand authorise the local authority by any authorised officer to enter the premises, if need be by force, except that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer, entering any premises by virtue of this section, or a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory, workshop or workplace discloses to any person any information obtained by him in the factory, workshop or workplace with regard to any manufacturing process or trade secret, he is, unless such disclosure was made in performance of his duty, liable to a fine of five hundred dollars or to imprisonment for three months.

Penalty for obstructing execution of Parts V to VII

62B. A person who wilfully obstructs any person acting in the execution of Parts V to VII, or of any byelaw, order or warrant made or issued thereunder is in any case for which no other provision is made by Parts V to VII liable to a fine of twenty-five dollars and to a further fine of ten dollars for each day on which the offence continues after conviction therefor.

Power to require occupier to permit works to be executed by owner

62C. If on a complaint made by the owner of any premises, it appears to a court of summary jurisdiction that the occupier of those premises prevents the owner from executing any work which he is by or under Parts V and VI required to execute, the court may order the occupier to permit the execution of the work.

Provisions as to appeals against executed by owner

62D. (1) The following provisions of this section shall, subject to any express modifications specified in the section under which the notice is given, apply in relation to any notice given under Parts V and VI, which is expressly declared to be a notice in relation to which the provisions of this Part, with respect to appeals against, and the enforcement of, notices requiring the execution of works are to

Provisions as to appeals against, and the enforcement of, notices requiring execution of works

62D. (1) The following provisions of this section shall, subject to any express modifications specified in the section under which the notice is given, apply in relation to any notice given under Parts V and VI, which is expressly declared to be a notice in relation to which the provisions of this Part, with respect to appeals against, and the enforcement of, notices requiring the execution of works are to apply.

(2) Any such notice shall indicate the nature of the works to be executed and state the time within which they are to be executed.

(3) A person served with such a notice as aforesaid may appeal to a court of summary jurisdiction on any of the following grounds which are appropriate in the circumstances of the particular case—

(*a*) that the notice or requirement is not justified by the terms of the section under which it purports to have been given or made ;

(*b*) that there has been some informality, defect or error in, or in connection with, the notice;

(*c*) that the authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary ;

(*d*) that the time within which the works are to be executed is not reasonably sufficient for the purpose ;

(*e*) that the notice might lawfully have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served ;

(*f*) where the work is work for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.

(4) If and in so far as an appeal under this section is based on the ground of some informality, defect or error in or in connection with the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.

(5) Where the grounds upon which an appeal under this section is brought include a ground specified in paragraph (*e*) or paragraph (*f*) of subsection (3), the appellant shall serve a copy of his notice of appeal on each other person referred to, and in the case of any appeal under this section may serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question, and on the hearing of the appeal the court may make such order as it thinks fit with respect to the person by whom any work is to be executed and the contribution to be made by any other person towards the cost of the work, or as to the proportions in which any expenses which may become recoverable by the local authority are to be borne by the appellant and such other person.

In exercising its power under this subsection, the court shall have regards—

(*a*) as between an owner and an occupier, to the terms and conditions, whether contractual or statutory of the tenancy and to the nature of the work required ; and

(*b*) in any case, to the degree of benefit to be derived by the different persons concerned.

(6) Subject to such right of appeal as aforesaid, if the person required by the notice to execute works fails to execute the works indicated within the time thereby limited, the local authority may themselves execute the works and recover from that person the expenses reasonably incurred by them in so doing and, without prejudice to their right to exercise that power, he is liable to a fine of twenty-five dollars and to a further fine of ten dollars for each day on which the default continues after conviction therefor.

(7) In proceedings by the local authority against the person served with the notice for the recovery of any expenses which the authority are entitled to recover from him, it shall not be open to him to raise any question which he could have raised on an appeal under this section.

Provisions as to Recovery of Expenses, &c.

Certain expenses recoverable from owners to be a

62E. (1) Where a local authority have incurred expenses for the repayment of which the owner of the premises in respect of which the expenses were incurred is liable, either under Part V or VI, or under any enactment repealed thereby, or by agreement with the Authority, those expenses, together with interest from the date of service of a demand for the expenses, may be recovered by the authority from the person who is the owner of the premises at the date when the works are completed, or, if he has ceased to be the owner of the premises before the date when a demand for the expenses is served, either from him or from the person who is the owner at the date when the demand is served, and, as from the date of the completion of the works, the expenses and interest accrued due thereon shall, until recovered, be a charge on the premises and on all estates and interests therein.

Provisions as to Recovery of Expenses, &c.

Certain expenses recoverable from owners to be a charge on the premises, power to order payment by instalments

62E. (1) Where a local authority have incurred expenses for the repayment of which the owner of the premises in respect of which the expenses were incurred is liable, either under Part V or VI, or under any enactment repealed thereby, or by agreement with the Authority, those expenses, together with interest from the date of service of a demand for the expenses, may be recovered by the authority from the person who is the owner of the premises at the date when the works are completed, or, if he has ceased to be the owner of the premises before the date when a demand for the expenses is served, either from him or from the person who is the owner at the date when the demand is served, and, as from the date of the completion of the works, the expenses and interest accrued due thereon shall, until recovered, be a charge on the premises and on all estates and interests therein.

(2) A local authority may by order declare any expenses recoverable by them under this section to be payable with interest by instalments within a period not exceeding thirty years, until the whole amount is paid; and any such instalments and interest, or any part thereof, may be recovered from the owner or occupier,

or the time being of the premises in respect of which the expenses were incurred and, if recovered from the occupier may be deducted by him from the rent of the premises, but so however that an occupier shall not be required to pay at any one time any sum in excess of the amount which was due from him on account of rent at, or has become due from him on account of rent since, the date on which he received a demand from the local authority together with a notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

An order may be made under this subsection at any time with respect to any unpaid balance of expenses and accrued interest so, however, that the period for repayment shall not in any case extend beyond thirty years from the service of the first demand for the expenses.

(3) The rate of interest chargeable under subsection (1) or subsection (2) shall be such rate as the authority may determine, except that the Minister may from time to time by order fix a maximum rate of interest for the purposes of this section generally, or different maximum rates for different purposes and in different cases.

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(4) A local authority shall, for the purpose of enforcing a charge under this section, have all the same powers and remedies under the Conveyancing and Law of Property Ordinance, and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

Power to make a charge in respect of establishment expenses

62F. Where under Parts V and VI, a local authority are empowered to execute works and to recover from any person the expenses incurred by them in so doing, they may include in, and recover as part of, the expenses such additional sum, not exceeding five per cent. of the cost of the works, as they think fit in respect of their establishment charges.

Application of Part XXIV as renumbered

63. Nothing in Part XXIV of this Ordinance, other than sections 170 to 172, 174 to 178 and 180 to 182, inclusive, shall apply to Parts V to VII.

Recovery of expenses, &c.

63A. Any sum which a local authority are entitled to recover under Parts V and VI and with respect to the recovery of which provision is not made by any other section of Parts V to VII may be recovered either summarily as a civil debt, or as a simple contract debt in any court of competent jurisdiction.

Penalty in regulations for purposes of Parts V to VII

63B. Notwithstanding section 166 regulations or byelaws made under Parts V to VII may contain provisions for imposing on any person contravening the regulations, a fine recoverable on summary conviction of two hundred and fifty dollars in respect of each offence and, in the case of a continuing offence, a further fine of twenty-five dollars for each day during which the offence continues after conviction therefor.

Limitation of liability of certain owners of Parts V to VII

63C. Where a local authority claim to recover any expenses under Parts V to VII from a person as being the owner of the premises in respect of which the expenses were incurred and that person proves that he—

(*a*) is receiving the rent of those premises merely as agent or trustee for some other person ; and

twenty-five dollars for each day during which the offence continues after conviction therefor.

Limitation of liability of certain owners

63C. Where a local authority claim to recover any expenses under Parts V to VII from a person as being the owner of the premises in respect of which the expenses were incurred and that person proves that he—

(*a*) is receiving the rent of those premises merely as agent or trustee for some other person ; and

(*b*) has not, and since the date of the service on him of a demand for payment has not had, in his hands on behalf of that other person, sufficient money to discharge the whole demand of the Authority,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid, but a local authority who are or would be, debarred by the foregoing provisions from recovering the whole of any such expenses from an agent or trustee may recover the whole or any unpaid balance thereof from the person on whose behalf the agent or trustee receives the rent.

63D. Where provision is made by or under Parts V and VI, for the imposition of a daily penalty in respect of a continuing offence, the court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court and where a court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof. Continuing offences and penalties

63E. Proceedings in respect of an offence created by or under Parts V and VI, shall not, without the written consent of the Attorney General, be taken by any person other than a party aggrieved, or a local authority or a body whose function it is to enforce the provisions or bye-laws in question, or by whom or by whose predecessors the byelaw in question was made. Restriction on right to prosecute

Appeals and other applications to courts of summary jurisdiction and appeal to the Court of Appeal

63F. (1) Where any enactment in Parts V and VI, provides— Appeals and applications to courts of summary jurisdiction

(*a*) for an appeal to a court of summary jurisdiction against a requirement, refusal or other decision of a local authority ; or

(*b*) for any matter to be determined by, or an application in respect of any matter to be made to, a court of summary jurisdiction,

the procedure shall be by way of complaint for an order, and the Summary Courts Ordinance shall apply to the proceedings.

(2) The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the local authority's requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal. Ch. 3. No. 4

(3) In any case where such an appeal lies the document notifying to that person concerned the decision of the local authority in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

63G. (1) Subject as hereinafter provided, where a person aggrieved by any order, determination or other decision of a court of summary jurisdiction under Parts V to VII is not by any other enactment authorised to appeal, he may appeal to the Court of Appeal. Appeals to Court of Appeal against decisions of magistrates

(2) Nothing in this section shall be construed as conferring a right of appeal from the decision of a court of summary jurisdiction in any case if each of the parties concerned might under Parts V to VII have required that the dispute should be determined by arbitration instead of by such a court.

63H. Where upon an appeal under Parts V to VII a court varies or reverses any decision of a local authority, it shall be the duty of the local authority to give effect to the order of the court and, in particular, to grant or issue any necessary consents, certificate or other document, and to make any necessary entry in any register. Effect of decision of court upon an appeal

Arbitrations

63I. In arbitration under Parts V to VII, the reference shall, except where otherwise expressly provided, be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the Minister. Mode of reference to arbitration

Judges and Justices

63J. A judge of any court or a justice of the peace shall not be disqualified from acting in cases arising under Parts V to VII, by reason only of his being as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or fund out of which any expenses of a local authority are to be defrayed. Judges and justices not to be disqualified by liability to rates

63H. Where upon an appeal under Parts V to VII a court varies or reverses any decision of a local authority, it shall be the duty of the local authority to give effect to the order of the court and, in particular, to grant or issue any necessary consents, certificate or other document, and to make any necessary entry in any register. Effect of decision of court upon an appeal

Arbitrations

63I. In arbitration under Parts V to VII, the reference shall, except where otherwise expressly provided, be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the Minister. Mode of reference to arbitration

Power of Minister to enforce exercise of powers by local authorities, &c., in default

63K. (1) If the Minister is of opinion that a local authority have failed to discharge their functions under Parts V to VII in any case where they ought to have done so, he may make an Order declaring them to be in default and directing them for the purpose of removing the default to discharge such of their functions, and in such manner and within such time or times, as may be specified in the Order.

(2) If a local authority with respect to whom an Order has been made under subsection (1) fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Minister, in lieu of enforcing the Order by mandamus or otherwise, may make an Order transferring to himself such of the functions of the local authority in default as may be so specified.

(3) Where under the foregoing provisions of this section, the Minister has by Order transferred to himself any functions of a local authority, any expenses incurred by him in discharging the said functions shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Minister shall on demand be paid to him by the authority in default, and shall be recoverable by him from them as a debt due to the Crown.

Interpretation

Interpretation

63L. (1) In this Part and in Parts V and VI

(i) " authorised officer " means, as respects any local authority, an officer of the local authority authorised by them in writing, either generally specially, to act in matters of any specified kind, or in any specified matter, except that the medical officer of health, engineer and sanitary inspector of a local authority shall, by virtue of their appointments, be deemed to be authorised officers for the purpose of matters within their respective districts ;

(ii) " bridge authority " means the authority or person responsible for the maintenance thereof ;

(iii) "building bye-laws" means bye-laws made under section 60A as regards sanitary conveniences in connection with buildings, and includes also bye-laws made with respect to those matters under any corresponding enactment replaced by Parts V to VII ;

(iv) "general building bye-laws" means regulations or bye-laws made under Part IV of this Ordinance or regulations made by or under any enactment relating to local authorities with respect to buildings ;

(v) " clerk ", in relation to a local authority being the Council of a Borough means the Town Clerk ;

(vi) " yard drain " means a drain used for the drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage ;

(vii) " district " means the area in respect of which a local authority is authorised by or under any enactment relating to local authorities to perform any duties and to exercise any powers under this Part and Parts V and VI ;

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(viii) " factory " means a factory within the meaning of the Factories Ordinance ;

(ix) " functions " include powers and duties ;

(x) " highway authority " means in the case of a highway maintainable at public expense the Chief Technical Officer (Works) and in any other case the authority or person in whom the highway is vested or who is responsible for the maintenance thereof or if no authority or person is responsible therefor, the owners of the soil of the highway ;

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(viii) " factory " means a factory within the meaning of the Factories Ordinance ;

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Ch. 30. No. 2

(viii) " factory " means a factory within the meaning of the Factories Ordinance ;

(ix) " functions " include powers and duties ;

(x) " highway authority " means in the case of a highway maintainable at public expense the Chief Technical Officer (Works) and in any other case the authority or person in whom the highway is vested or who is responsible for the maintenance thereof or if no authority or person is responsible therefor, the owners of the soil of the highway ;

(xi) " house " means a dwelling-house, whether a private dwelling-house or not ;

(xii) " land " includes any interest in land and any easement or right, in to or over, land ;

(xv) "officer" includes servant ;

(xvi) "owner" means the person for the time being receiving the rack-rent of the premises in connection with which the word is used, whether on his own account or as an agent or trustee for any other person, or who would so receive the same if those premises were let at rack-rent ;

(xvii) "prejudicial to health" means injurious, or likely to cause injury, to health ;

(xviii) "premises" include messuages, buildings, lands, easements and hereditaments of any tenure ;

(xix) "private drain" means a drain which is not a public drain ;

(xx) "public drain" has the meaning assigned to it in section 56 ;

(xxi) "rack-rent", in relation to any property, means a rent which is not less than two-thirds of the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes, and deducting therefrom the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the same in a state to command such rent ;

(xxii) "drain" does not include—

(i) a yard drain as defined in this section ;

(ii) the sewer system vested in the Authority under the Water and Sewerage Act, 1965,

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but, save as aforesaid, includes all drains and yard drains used for the drainage of buildings and yards appurtenant to buildings ;

(xxiii) "statutory scheme" means a scheme made under any enactment ;

(xxiv) "statutory undertakers" means any persons authorised by an enactment or statutory order to construct, work or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking ;

(xxv) "street" includes any highway, including a highway over any bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not ;

(xxvi) "sullage water" means water discharged from sinks, basins, baths and other receptacles, and all other water that has been used for domestic purposes ;

(xxvii) "vessel" has the same meaning as in the Merchant Shipping Act, 1894 of the United Kingdom ;

(xxviii) "waterworks" includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines and all machinery, lands, buildings and things for supplying or used for supplying, water or used for protecting sources of water supply ;

(xxix) "workplace" does not include a factory or workshop but save as aforesaid includes any place in which persons are employed otherwise than in domestic service ;

(xxx) "workshop" means a workshop within the meaning of the Factories Ordinance.

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(2) For the purpose of Part V, in the construction of Part III of the Third Schedule to the Water and Sewerage Act, 1965, incorporated with Part V by section 61D, the expression "the undertakers" shall be construed as meaning the local authority."

Part XIII repealed and Parts VI to XXIII renumbered

J. Part XIII of the Ordinance is repealed and Parts VI to XI are renumbered as Parts VIII to XIII respectively and Parts XII to XXIII are renumbered Parts XIV to XXIV ; and a reference to a Part in any provision of the Ordinance or any other enactment shall be read as a reference to the Part as so renumbered.

Construction of references

K. A reference to "Board" in any provision of the Ordinance shall be read and construed as a reference to the Minister to whom responsibility for the subject of Health is assigned."

Part VIII amended

L. Part VIII as renumbered is amended by inserting immediately after section 64 the following :

Dustbins and Privies

"**64A.** The local authority may, and shall when so directed by the Board, provide and maintain in proper and convenient situation in their district sufficient dustbins and privies for the public use."

SEVENTH SCHEDULE

(Section 89)

AMENDMENTS TO ENACTMENTS

FIRST COLUMN *Enactments*	SECOND COLUMN *Extent of Amendment*
(1) The Widows' and Orphans' Pensions Ordinance, Ch. 9. No. 8	In section 45 thereof, by substituting for references to the Central Water Distribution Authority, references to the Water and Sewerage Authority established under the Water and Sewerage Act, 1965, wherever those references occur;
(2) The Waterworks and Water Conservation Ordinance, Ch. 15. No. 2.	A. In section 2 thereof— (*a*) by deleting the following definitions, "Average Flow", "Board of Appeal", "contamination", "Local Distribution Authority", "Oil and Water Board", "prior Water Authority", and "Water Advisory Board"; (*b*) by inserting in paragraph (*c*) of the definition of "waterworks" the words "subject to subsection (2)" at the beginning thereof; (*c*) by inserting the following definition in alphabetical order " 'Minister', means the member of the Cabinet to whom responsibility for the subject of Drainage and Irrigation is assigned"; (*d*) by renumbering the section as section 2(1); (*e*) by adding the following subsection thereto: "(2) Paragraph (*c*) of the definition of "waterworks" in subsection (1) shall be construed so as not to include the waterworks, the property of the Government transferred to the Water and Sewerage Authority by section 11 of the Water and Sewerage Act, 1965."
	B. By repealing Part II thereof.
	C. By repealing Parts IV, V, and VI of the Ordinance.
	D. In subsection (4) of section 30 thereof by deleting the following words, "tanks, basins, purification plants, sewers and sewerage disposal plants and filter beds" occurring therein.
	C. By repealing Parts IV, V, and VI of the Ordinance.
	D. In subsection (4) of section 30 thereof by deleting the following words, "tanks, basins, purification plants, sewers and sewerage disposal plants and filter beds" occurring therein.
	E. In section 31 thereof: (*a*) by deleting paragraphs (*a*), (*b*), (*c*), (*f*) and (*g*) thereof and (*b*) by renumbering paragraphs (*d*), (*e*), (*g*), (*h*), (*i*), and (*j*) thereof as paragraphs (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*), respectively.
	F. By repealing section 37 thereof.

G. In section 44 thereof

(*a*) in subsection (2) thereof, by substituting for the words "Part III of the Oil and Water Board Ordinance", the words "section 44 of the Water and Sewerage Act, 1965";

(*b*) in subsection (5) thereof, by substituting for the words "the Board of Appeal against such refusal or against such conditions and restrictions, and sections 15 to 17 shall apply accordingly", the words "a court of summary jurisdiction against such refusal or against such conditions and restrictions, and the provisions of this Ordinance relating to appeals to courts of summary jurisdiction shall apply in relation thereto".

H. In section 45 thereof

(*a*) in subsection (1), by substituting—

(i) for the words "the Board of Appeal", the words "a court of summary jurisdiction";

(ii) for the word "Board" wherever that word occurs therein the word "court";

(*b*) in subsection (3), by substituting for the words occurring after the words "against such direction to", the words "a court of summary jurisdiction, and the provisions of this Ordinance relating to appeals to courts of summary jurisdiction shall apply accordingly".

(*c*) in paragraph (*b*) of subsection (5), by substituting for the words "under Part III of the Oil and Water Board Ordinance or to the erection of a dam or reservior in accordance with section 44 of the Oil and Water Board Ordinance", the words "under section 44 of the Water and Sewerage Act, 1965".

I. By repealing Part X thereof.

J. By repealing and replacing sections 51 and 52 thereof as follows:

"51. The Chief Technical Officer (Works), with the approval of the Minister, may apply

I. By repealing Part X thereof.

J. By repealing and replacing sections 51 and 52 thereof as follows:

"51. The Chief Technical Officer (Works), with the approval of the Minister, may apply under section 44 of the Water and Sewerage Act, 1965 for a licence to abstract water from any watercourse; and the Water and Sewerage Authority under that Act may grant such licence as if the water to be abstracted is for an industry within the meaning of the said Act and as if the Chief Technical Officer (Works) was a person carrying on an industry."

K. In section 63 thereof by deleting the words "or by abstraction of water from a watercourse by or on behalf of the Chief Technical Officer (Works) under section 51".

L. In section 65 thereof by deleting the reference to sections 22 and 23, occurring therein.

M. By renumbering Parts III, VII, IX, XI, XII, XIII and XIV thereof as Parts II, III, IV, V, VI, VII, and VIII respectively; and the reference to a Part in any provision of the Ordinance or any other enactment shall be read as a reference to the Part as so renumbered.

N. By adding at the end of Part VIII thereof, as renumbered, is the following:

"Appeals and other applications to courts of summary jurisdiction and appeal to the Court of Appeal

Appeals and applications to courts of summary jurisdiction. Ch. 3. No. 4.

"70. (1) Where in this Ordinance provision is made for an appeal to a court of summary jurisdiction against a direction, refusal or other requirement of the Chief Technical Officer (Works), the proceedings shall be by way of complaint for an order, and the Summary Courts Ordinance shall apply to the proceedings.

(2) The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the direction, refusal or other requirement of the Chief Technical Officer (Works) was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(3) In any case where such an appeal lies the document notifying to the person concerned the direction, refusal or other requirement of the Chief Technical Officer (Works) in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

Appeals to Court of Appeal against decisions of magistrates.

71. Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Ordinance is not by any other provision of this Ordinance authorised to appeal, he may appeal to the Court of mary jurisdiction and the time within which such an appeal may be brought.

Appeals to Court of Appeal against decisions of magistrates.

71. Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Ordinance is not by any other provision of this Ordinance authorised to appeal, he may appeal to the Court of Appeal.

Effect of decision of court upon an appeal

72. Where upon an appeal under this Ordinance a court varies or reverses any decision of the Chief Technical Officer (Works) it shall be the duty of the Chief Technical Officer (Works) to give effect to the order of the court and, in particular, to grant or issue any necessary consent, certificate or document, and to make any necessary entry in any register."

O. In subsection (3) of section 51 thereof by deleting the words "or a water licence" appearing therein.

P. In subsection (1) of section 55 thereof by deleting the words "or a water licence" appearing therein.

(3) The Oil and Water Board Ordinance, Ch. 26. No. 6

A. (*a*) By repealing Part III thereof; and
(*b*) the records of the Oil and Water Board relating to licences to abstract water from watercourses under the said Part III shall, for the purposes of section 44 of the Water and Sewerage Act, 1965 be transferred to the Authority and shall form part of the records of the Authority for the said purposes.

B. By repealing and replacing the heading of Part IV thereof as follows:
"Inspection of Reservoirs and Dams"

C. In section 44 thereof—
(*a*) by deleting the words "water or" wherever those words appear in the section other than in subsection (3) thereof; and
(*b*) by deleting the words, "or to abstract water from a watercourse" occurring in subsection (10) thereof.

D. In paragraph (*b*) of section 45 thereof by deleting the words "or abstraction of water from" appearing therein.

E. In section 47 thereof by deleting the words "or a water licence" appearing therein.

F. In section 49 thereof by deleting the words "or a water licence" appearing therein.

Extent of Amendment

(4) The Land Acquisition Ordinance, Ch. 27. No. 10

By adding at the end thereof the following section:

"Parties under disability enabled to sell and convey

"55. It shall be lawful for all parties, being seised, possessed of, or entitled to any lands, or any estate or interest therein, to sell and convey or release the same to the promoters of the undertaking, and to enter into all necessary agreements for that purpose; and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties, not only on behalf of themselves and their respective

Ch. 27. No. 10

ability enabled to sell and convey

any estate or interest therein, to sell and convey or release the same to the promoters of the undertaking, and to enter into all necessary agreements for that purpose; and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties, not only on behalf of themselves and their respective heirs, executors administrators and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy after them, or in defeasance of the estates of such parties, and that to the same extent as such persons respectively could have exercised the same power under the authority of this or any other enactment, if they had respectively been under no disability.

Enactment	*Extent of Amendment*
(5) The Rates and Charges Recovery Ordinance, Ch. 33. No. 8	By deleting paragraph (9) of section 3 thereof.
(6) The Port-of-Spain Corporation Ordinance, Ch. 39. No. 1	A. (1) by renumbering section 183 thereof as section 183 (1) and by adding thereto the following subsections: "(2) The Minister may by regulations alter, revoke or otherwise amend the regulations in the Ninth Schedule or any regulations varying or revoking them made by the Corporation under subsection (1). (3) In this section and in section 184 "Minister" means the member of the Cabinet to whom responsibility for Health is assigned."; and (2) by substituting for the words "Subject to the approval of the Legislative Council to be expressed by resolution", occurring in subsection (1) thereof as renumbered, the words "Subject to the approval of the Minister". B. By inserting at the commencement of section 184 thereof the words "Subject to the approval of the Minister,"; and C. By repealing sections 285 to 288 thereof; and D. By repealing Part XVI thereof. E. By repealing Part XVII thereof.

	Extent of Amendment
(7) The San Fernando Corporation Ordinance, Ch. 39. No. 7	A. (1) By substituting for the words "Subject to the approval of the Legislative Council to be expressed by resolution" occurring in subsection (2) of section 185 thereof, the words "Subject to the approval of the Minister,"; and (2) by adding the following subsections thereto: "(2) The Minister may by regulations alter, revoke or otherwise amend the regulations in the Seventh
ernando Corporation Ordinance, Ch. 39. No. 7	of the Legislative Council to be expressed by resolution" occurring in subsection (2) of section 185 thereof, the words "Subject to the approval of the Minister,"; and (2) by adding the following subsections thereto: "(2) The Minister may by regulations alter, revoke or otherwise amend the regulations in the Seventh Schedule or any regulations varying or revoking them made by the Corporation under subsection (1). (3) In this section "Minister" means the member of the Cabinet to whom responsibility for Health is assigned."; and B. By repealing Part XI thereof. C. By repealing Part XII thereof.

Enactment	*Extent of Amendment*
(8) The Arima Corporation Ordinance, Ch. 39. No. 11	A. (1) By substituting for the words "Subject to the approval of the Legislative Council to be expressed by resolution" occurring in subsection (2) of section 175 thereof, the words "Subject to the approval of the Minister,"; and (2) by adding the following subsections thereto: "(2) The Minister may by regulations alter, revoke or otherwise amend the regulations in the Seventh Schedule or any regulations varying or revoking them made by the Corporation under subsection (1). (3) In this section "Minister" means the member of the Cabinet to whom responsibility for Health is assigned, and B. By repealing Part X thereof.
(9) County Councils Ordinance, Ch. 12. No. 4	A. By repealing subsection (9) of section 102 thereof. B. Notwithstanding anything to the contrary in paragraph (*b*) of subsection (1) of section 105 of the County Councils Ordinance the reference therein to the Public Health Ordinance shall, for the purpose of the said subsection (1) be deemed not to include the exercise and performance of any power function or duty under Parts V to VII of the Public Health Ordinance as amended by the Sixth Schedule to the Water and Sewerage Act, 1965.

Passed in the House of Representatives this 6th day of August, 1965.

G. L. LATOUR
Clerk of the House of Representatives

Passed in the Senate this 12th day of August, 1965.

G. L. LATOUR
Clerk of the House of Representatives

Passed in the Senate this 12th day of August, 1965.

J. E. CARTER
Clerk of the Senate

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