

Amended by Order 7/1946

" " " 52/1946 as to exemption of income from
Income Tax - effective 1/7/44



TRINIDAD AND TOBAGO.

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No. 6---1944.

[L.S.]

I ASSENT;

B. E. H. CLIFFORD,

Governor.

12th April, 1944.

AN ORDINANCE to provide for the setting up of a
Central Water Distribution Authority and for other
matters connected therewith.

[On Proclamation.]

Commence-
ment.

ENACTED by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof.

PART I.

INTRODUCTORY.

1. (1) This Ordinance may be cited as the Central Water Short title, &c.
Distribution Authority Ordinance, 1944, and shall come
into force on such date as the Governor may by proclama-
tion appoint.

Repeal.

(2) On the coming into force of this Ordinance, the
Ch. 37, No. 1. Central Waterworks Ordinance, as from time to time
amended, shall be deemed to have been repealed.

Interpretation

2. In this Ordinance—

“animal” includes birds, reptiles and fish;

“annual value”, in relation to any premises, means
the annual value thereof ascertained in the
manner provided by section 34;

Ch. 33, No. 2.

“assessment roll” means the relevant assessment roll
prepared under the Lands and Buildings Taxes
Ordinance, and “annual taxable value” has
the meaning assigned to it in section 2 of that
Ordinance;

“Central Authority” means the Central Water
Distribution Authority established under the
provisions of this Ordinance;

Ch. 37, No. 1.

“Central Water Board” means the Central Water
Board established under the Central Water-
works Ordinance;

“distribution area” means an area constituted
under section 26, within which the Board dis-
tributes or may distribute water in accordance
with the provisions of this Ordinance;

“distributing main” means any pipeline (including
valves and other accessories thereto) the
property of the Central Authority, through
which water is carried or is intended to be
carried for supply to consumers generally,
but does not include a service as hereinafter
defined;

“distribution system” means the service reservoirs,
tanks, cisterns, tunnels, conduits, aqueducts,
distributing mains, pipes, standpipes, sluices,
valves, meters, pumps, engines and other
machinery, buildings, structures and appliances,
whether constructed or under construction, which
are used or are intended to be used by or on
behalf of the Central Authority, for the storage,
carrying, distribution, measurement or regula-
tion of water or for purposes ancillary thereto,
but does not include a service as hereinafter
defined;

- “domestic use” means a use which is not a non-domestic use as hereinafter defined ;
- “land” has the meaning assigned to it by the Land ^{No. 14 of 1941} Acquisition Ordinance, 1941, but does not include any land comprised in a street ;
- “Local Distribution Authority” means any of the Corporations of Port-of-Spain, San Fernando and Arima, and any person declared by order of the Governor in Council to be a Local Distribution Authority for the purposes of this Ordinance ;
- “meter” means any appliance used to measure, estimate or regulate the amount of water taken from the distribution system ;
- “non-domestic use” means use in any trade or manufacture, or for washing commercial vehicles or for irrigation or watering of land cultivated or occupied as a means of pecuniary profit, or for public or private fountains, or for ornamental purposes, or for the supply of ponds or tanks, or for laundries, public wash houses, public baths, public garages or petrol stations, or for ships, vessels or boats, or for other purposes which the Central Authority may from time to time prescribe to be non-domestic purposes ;
- “owner” means the holder of any premises as owner thereof or under lease, licence, or otherwise, or the immediate landlord of any premises, or the agent of any such owner or landlord who is absent or under disability, or, if there is no such agent, the occupier of the premises ;
- “premises” includes a house, tenement, store, warehouse, shop, and every other building, a yard whether open or enclosed, and every piece or parcel of land ;
- “prior Water Authority” means an authority constituted by a Provisional Order made in accordance with the District Waterworks Ordinance (*Cap. 114 of the 1925 Revised Laws*) ;

See Section 2
of Order 7/46

"public stand-pipe" means any fountain, stand-pipe, dipper, valve, tap or appliance used, or intended to be used, for supplying water to the public generally;

"service" means all pipes, valves, cisterns, cocks, fittings and other appliances (not including a meter) by or through which water flows, or is intended to flow, from a distributing main to any premises;

"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 and whether the public have a right of way thereover or not; and the pavement of a street and all channels, drains and ditches at the side of a street shall be deemed to be part of the street;

"way-leave" means a right to the user of land for the laying of tunnels, conduits, aqueducts, distributing mains, services, pipes or other structures and appliances, and accessories thereto, together with the right of access to and of opening up such land from time to time for the inspection, maintenance, renewal, repair, replacement or removal of the works, and the right to restore any such land which has been opened up, without in any such case affecting the ownership of such land.

PART II.

THE CENTRAL WATER DISTRIBUTION AUTHORITY.

Establishment
of Central
Authority.

3. (1) For the purposes of this Ordinance there shall be established a Central Water Distribution Authority which shall be a body corporate under that name with perpetual succession and a common seal which shall be officially and judicially noticed. The seal shall be authenticated by the signature of the Chairman appointed as hereinafter provided.

(2) The Central Authority may sue and be sued in its corporate name and service of any process or notice on the Central Authority may be effected by leaving the same at the office of the Central Authority with the General Manager or Secretary appointed as hereinafter provided.

(3) The Central Authority shall consist of not less than seven members who shall be appointed by the Governor and shall hold office during the Governor's pleasure: Provided that—

(a) any member of the Central Authority may at any time resign his office by giving written notice to the Colonial Secretary;

(b) every member of the Central Authority shall automatically vacate his office after he has held it for two years but shall be eligible for re-appointment.

(4) The Governor shall appoint from among the members a Chairman who shall hold office during the Governor's pleasure: Provided that he shall cease to be Chairman if at any time he ceases to be a member. In the absence or inability to act of the Chairman, the Governor may appoint any member to officiate temporarily as Chairman and, subject to any such appointment, the members present at a meeting shall appoint one of their number to officiate as Chairman of the meeting.

(5) (6) The Chairman and other members of the Central Water Board who hold office as such on the coming into force of this Ordinance shall be deemed to have been duly appointed under this Ordinance as Chairman and members of the Central Authority. For the purposes of paragraph (b) of subsection (3), the service of all such persons as members of the Central Water Board between the date of their last appointment as such and the coming into force of this Ordinance shall be deemed to have been service as members of the Central Authority.

(7) (6) The powers of the Central Authority shall not be affected by any vacancy in the membership thereof.

(8) (8) The Governor in Council may, subject to the approval of the Legislative Council, authorise the payment out of the funds of the Central Authority of such sum or sums by way of remuneration or other allowance to the Chairman and other members of the Central Authority, as he may think fit.

4. In the exercise of its powers and the performance of its duties, the Central Authority shall conform with any general or special directions given to it by the Governor in Council,

Central Authority to conform with directions of Governor in Council.

Amended by
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7/1946

Decisions of
the Central
Authority.

5. (1) Decisions of the Central Authority may be taken at meetings or, in cases in which the Chairman shall so direct, by the recording of the opinions of members on papers circulated among them: Provided that where papers are circulated, the Chairman may direct that the papers shall not be circulated to any member who through interest, illness, absence from the Colony or otherwise is, in the opinion of the Chairman, incapacitated from voting on such papers.

(2) The quorum of the Central Authority at any meeting or for the purpose of voting on papers circulated shall be four.

(3) The decisions of the Central Authority shall be by the majority of votes: Provided that, in any case in which the voting shall be equal, the Chairman shall have a second or casting vote.

Meetings of
the Central
Authority.

6. The Central Authority shall meet at such times as may be necessary or expedient for transacting its business. The Chairman or any three members of the Central Authority may convene a special meeting. Minutes of each meeting in proper form shall be kept by the Secretary and shall be confirmed by the Chairman at the next succeeding meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Colonial Secretary.

Consulting
engineers.

7. The Central Authority, with the approval of the Governor, may enter into agreements with consulting engineers for advice and direction pertaining to the construction, maintenance and extension of the distribution system at such remuneration as may be agreed upon.

Appointment
of officers
of the Central
Authority.

8. (1) The Central Authority, with the approval of the Governor, may appoint a General Manager, an Accountant and a Secretary to its staff at such remuneration and on such terms and conditions as the Central Authority, with the approval of the Governor, may determine and, for the avoidance of doubt, it is hereby declared that a person may be appointed to be, and may hold the office of, General Manager notwithstanding that he is also the Chairman or a member of the Central Authority and that one person may hold the offices of Accountant and Secretary.

(2) Subject to appropriate provision having been made in the estimates of the Central Authority and approved as hereafter provided, the Central Authority may appoint, at such remuneration and on such terms and

conditions as the Central Authority may think fit, such other officers (including clerks, collectors, mechanics, line-men, foremen and other servants) as may seem to the Central Authority to be necessary for the efficient exercise of its powers and performance of its duties.

(3) Except in cases or classes of cases in which the Governor otherwise directs, the holders of offices under the Central Water Board immediately prior to the coming into force of this Ordinance shall be deemed, on such coming into force, to be transferred to the service of the Central Authority and to hold offices under the Central Authority on the like terms and conditions of employment subject to the provisions of this Ordinance, as if they had been originally appointed to the service of the Central Authority.

(4) The Central Authority may require any officer in its service to give security to its satisfaction for the due execution of his duties.

9. (1) In this section—

“non-pensionable office” means an office under the Central Authority other than— Pensions and gratuities.

- (a) an office which is a pensionable office for the purposes of this section; or
- (b) an office the holder of which is ordinarily required by law to contribute to a provident fund;

“pensionable office” means an office under the Central Authority which, by virtue of provision for the time being in force in a notification made by the Central Authority with the approval of the Governor in Council and published in the *Royal Gazette*, is declared to be a pensionable office, and any such notification may from time to time be amended, added to or revoked by a notification so made and published; but where by virtue of any such amendment or revocation any office ceases to be a pensionable office, then so long as any person holding that office at the time of the amendment or revocation continues therein, the office shall, as respects that person, continue to be a pensionable office;

Ch. 9. No. 6.

“ the Pension Laws ” means the Pensions Ordinance and the regulations thereunder, and any Ordinances or regulations from time to time amending or replacing the same, and any prior Ordinances or regulations which may be applicable in any particular case.

(2) Any office under the Central Water Board which—
 (a) immediately prior to the coming into force of this Ordinance, was a pensionable office for the purposes of section 11 of the Central Waterworks Ordinance, and

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(b) is an office the holder of which is deemed, in accordance with subsection (3) of section 8 of this Ordinance, to be transferred to the service of the Central Authority,

shall be deemed to have been constituted a pensionable office under and for the purposes of this section.

(3) The Pension Laws shall have effect *mutatis mutandis* in relation to officers who have held pensionable or non-pensionable offices as though such offices were offices under the Government of the Colony and were pensionable or non-pensionable offices for the purposes of those Laws: Provided that, for the purposes aforesaid, those Laws shall have effect subject to the directions and modifications set forth in the First Schedule hereto.

First Schedule.

PART III.

TRANSFER TO CENTRAL AUTHORITY OF PART OF THE UNDERTAKING OF THE CENTRAL WATER BOARD.

Waterworks, etc., and movable property.

10. All waterworks, buildings and structures (but not the land on which they stand or to which they are affixed), and all movable property, which were owned by the Central Water Board immediately prior to the coming into force of this Ordinance and are not deemed by or under the Waterworks and Water Conservation Ordinance, 1944, to have been transferred to, and to have become the property of the Government, shall, on the coming into force of this Ordinance, be deemed to have been transferred to, and to have become the property of the Central Authority.

11. Subject to the provisions of the Waterworks and Water Conservation Ordinance, 1944, the benefit and the burden of all way-leaves held by the Central Water Board, and of all leases or tenancy agreements in which the Central Water Board was tenant, and of all contracts to which the Central Water Board was a party, immediately prior to the coming into force of this Ordinance shall, on such coming into force, be deemed to have been transferred from the Central Water Board to the Central Authority.

Wayleaves,
leases, tenancy
agreements
and contracts.

12. (1) On the coming into force of this Ordinance, there shall be deemed to be transferred to, and vested in, the Central Authority—

Moneys at
credit of, or
due to, the
Central Water
Board.

(a) all moneys standing to the credit of the Central Water Board immediately prior to the coming into force of this Ordinance; and

(b) subject to the provisions of the Waterworks and Water Conservation Ordinance, 1944, the right to recover and receive all moneys due to the Central Water Board immediately prior to the coming into force of this Ordinance or which would thereafter have become due to the Central Water Board if this Ordinance had not been enacted.

(2) The provisions of this Ordinance shall have effect in relation to all moneys referred to in paragraph (b) of subsection (1) as if such moneys had always been payable to the Central Authority by virtue of this Ordinance or the regulations thereunder.

13. (1) The Governor in Council, with the approval of the Legislative Council, may direct that the whole or any part of any liability of the Central Water Board to Government shall, on the coming into force of this Ordinance, be deemed to have been remitted, and that (in cases where part only of a liability is so remitted) the balance of the liability shall, on such coming into force, be deemed to have been transferred to, and to have become the liability of, the Central Authority.

Liabilities of
the Central
Water Board.

(2) Subject to the provisions of section 11 and of subsection (1) of this section and to the provisions of the Waterworks and Water Conservation Ordinance, 1944, all liabilities of the Central Water Board shall, on the coming into force of this Ordinance, be deemed to have been transferred to, and to have become the liability of, the Central Authority.

General power
as to undertak-
ing of the Cen-
tral Water
Board.

14. Subject to the provisions of this Ordinance, and of the Waterworks and Water Conservation Ordinance, 1944, the Governor in Council, with the approval of the Legislative Council, may by order make such provision as may appear to him to be expedient for securing the transfer to the Central Authority of any part of the undertaking of the Central Water Board and for matters consequential thereon.

PART IV.

THE DISTRIBUTION SYSTEM.

Maintenance,
operation, etc.,
of the distri-
bution system.

15. (1) It shall be the duty of the Central Authority to maintain the distribution system, and to operate the same in accordance with the provisions of this Ordinance, and the Central Authority is hereby empowered to do all such things (being things which it could lawfully do if it was an individual) as may be expedient for, or ancillary to, the performance of this duty.

(2) It shall be lawful for the Central Authority from time to time to alter or extend the distribution system in so far as may be expedient for the performance of the functions of the Central Authority under this Ordinance.

Crown lands
may be made
available for
use of Central
Authority.

16. (1) The Governor may, to such extent and on such terms and conditions as he may think fit, make available Crown lands for the use of the Central Authority in the performance of its functions under this Ordinance.

No. 14 of 1941.

(2) For the avoidance of doubt, it is hereby declared that land may be acquired by the Crown compulsorily under the Land Acquisition Ordinance, 1941, for the purpose of being made available for the use of the Central Authority as aforesaid or for the protection of the distribution system.

Acquisition
and disposal of
land by the
Central
Authority.
No. 14 of 1941.

17. The Central Authority, with the approval of the Governor in Council but not otherwise, may acquire land under the provisions of the Land Acquisition Ordinance, 1941, or by purchase, exchange, demise, bequest, or gift, for use in the performance of its functions under this Ordinance or for the protection of the distribution system, and with the like approval but not otherwise, may sell, demise, convey or exchange any lands, or any part of any land so acquired.

18. The Central Authority may purchase or otherwise acquire movable property for use in the performance of its functions under this Ordinance, and may sell or otherwise dispose of any movable property so acquired when it is no longer required or suitable for such use.

Acquisition and disposal of movable property by the Central Authority.

19. (1) Subject to the provisions of this section, the Central Authority may cause tunnels, conduits, aqueducts, distributing mains, pipes, services and other structures and appliances, and accessories thereto, to be laid down on, over or under any street, or any place laid out as or intended for a street, and shall at all times have the right of access to and of opening up any such street or place for the purpose of inspecting, renewing, repairing, replacing or removing any such works, and shall at all times have the right of access to any such street or place which has been opened up by the Central Authority for the purpose of restoring the same.

Power to place distributing mains, etc., on, over or under streets.

(2) Except in cases of emergency, the powers conferred by subsection (1) shall not be exercised by the Central Authority in any case unless the Central Authority shall have caused notice in writing describing the particular work intended to be done to be served on the person interested (as hereinafter defined) at least fourteen days before the commencement of the work and, if written notice of objection to the work is served on the Central Authority within the said fourteen days by or on behalf of the person interested, until such objection has been upheld or overruled by the Governor in Council. The decision of the Governor in Council shall be final and shall not be questioned in any court.

(3) A notice required by subsection (2) to be served by the Central Authority on any person to whom paragraph (c) of the definition of "person interested" in subsection (6) relates may, without prejudice to any method of service sanctioned by regulations under this Ordinance, be served by affixing the same to a notice board in the street or place concerned and the Central Authority is hereby authorised to erect any such notice board as may be necessary for such purpose.

(4) Where the Central Authority shall have opened up any street or place in pursuance of the powers conferred by subsection (1), the following provisions shall have effect, namely—

- (a) the Central Authority shall, with all convenient speed, complete the work on account of which the street or place was opened up and fill in the ground and make good the surface and generally restore such street or place to as good a condition as that in which it was before being opened up ;
- (b) the Central Authority shall cause the place where any street or place is opened up to be protected and properly lighted by night.

(5) In the exercise of the powers conferred by subsection (1), the Central Authority shall not stop or impede traffic in any street or place, or into or out of any street or place, further than is necessary for the proper execution of the work.

(6) In this section—

“ person interested ” means—

- (a) in the case of any such street or place as is mentioned in subsection (1), being a street or place which is declared by any enactment for the time being in force to be repairable by any statutory corporation or body, such corporation or body ;
- (b) in the case of any other such street or place, being a street or place which is on Crown land or which is repairable by Government or by the Director of Public Works, the Director of Public Works ;
- (c) in the case of any such street or place other than a street or place described in paragraphs (a) and (b) of this subsection, the owner of such street or place.

Compulsory
acquisition of
way-leaves
over land.

20. (1) Subject to the provisions of this section, the Central Authority may acquire compulsorily over any land any way-leave which it may deem necessary or desirable for the performance of its functions under this Ordinance.

(2) Whenever the Central Authority desires to acquire compulsorily a way-leave over any land, the Central Authority shall cause to be prepared—

- (a) a detailed description (hereinafter referred to as "the description") of the proposed way-leave and of the period for which it is sought (if it is sought for a fixed period) and of its location and of the works contemplated; and
- (b) a survey plan (hereinafter referred to as "the plan") indicating the location of the way-leave.

(3) The Central Authority shall give notice of its intention to acquire the way-leave—

- (a) by publishing in not less than three issues of a local daily newspaper a notice setting forth the description, and naming a place where the plan may be inspected, and specifying the time (which shall not be less than fourteen days from the date of the last of the publications) and manner in which objections may be made; and
- (b) by causing a like notice to be exhibited conspicuously in a convenient place or places in or near the area affected by the proposed way-leave not later than the date of the last of the publications contemplated by paragraph (a) of this subsection.

(4) Within the time specified in the notice mentioned in subsection (3) of this section, any person claiming that the granting of the way-leave will cause him loss, damage or injury may give notice in writing to the Clerk of the Executive Council of his objection to the way-leave and of the grounds thereof, and thereupon the Governor in Council shall consider the description and the plan and the notice of objection and either uphold or overrule the objection. When the Governor in Council overrules an objection, he may nevertheless direct that the description and plan shall be modified in such manner as he may think fit. The decision of the Governor in Council shall be final and shall not be called in question in any court.

Second
Schedule.

(5) After the expiration of the period allowed for objections (if no notice of objection has been given during that period), or after all objections have been overruled (if no objection of which notice has been given is upheld), the Central Authority may cause a certificate in the form in the Second Schedule, signed by the Chairman and the Clerk of the Council setting out the description (or the modified description) and having the plan (or the modified plan) annexed, to be lodged (on payment of the appropriate fees) with the Registrar General. Certificates so lodged shall be countersigned by the Registrar General and shall be registered and indexed by the Registrar General in such manner as he may deem convenient and all persons shall be at liberty to inspect and search any such register and index on payment of the sum of sixty cents.

(6) When a certificate has been duly issued and lodged in accordance with this section, the way-leave described in the certificate shall be deemed to have been duly granted to the Central Authority and shall be binding as against all persons.

Ch. 27. No. 11. (7) When any land to which a certificate relates is held under the Real Property Ordinance, the Registrar General shall, on the certificate being lodged with him, endorse a reference to the certificate on the appropriate Crown grant or certificate of title.

(8) On production to the Registrar General of a certificate signed by the Chairman of the Central Authority discharging any land from any way-leave acquired under this section the Registrar General shall endorse a reference to such discharge on the relevant certificate lodged under subsection (5) of this section, and thereupon the land shall be discharged from the way-leave. The Registrar General shall also endorse a reference to such discharge on the appropriate Crown grant or certificate of title.

(9) Compensation shall be paid by the Central Authority in respect of any loss, damage or injury which, at the time a way-leave is acquired under this section, may be expected to be caused by the way-leave. Such

compensation may take the form of a sum of money payable forthwith, or a fixed periodical payment so long as the way-leave continues, or both: Provided that the period (if any) of the way-leave and any agreement which may have been made, or undertaking which may be given, by the Central Authority as to the future restoration in whole or in part of the land to which the way-leave relates shall be taken into account in determining the compensation payable.

(10) Any claim to compensation under subsection (9) may, in default of agreement or arbitration, be heard and determined by a judge of the Supreme Court on the application of the Central Authority or the claimant. There shall be a right of appeal to the Full Court from any decision of a judge as aforesaid.

(11) Rules of Court may be made under the Judicature Ordinance for implementing subsection (10), and in particular and without prejudice to the generality of this power, such Rules may be made as to the practice and procedure to be followed in relation to applications and appeals under the said subsection, as to the costs and fees thereon, as to the payment of compensation into Court in appropriate cases and the investment and disposal of moneys in Court, and as to any ancillary or consequential matters. Ch. 3, No. 1.

21. For the avoidance of doubt it is hereby declared that the Central Authority shall be entitled to acquire by agreement any way-leave which it may deem necessary or desirable for the performance of its functions under this Ordinance. Acquisition of way-leaves by agreement.

22. (1) For the purpose of ascertaining the practicability or expediency of altering or extending the distribution system in any manner, it shall be lawful for any person acting under the general or special written directions of the Central Authority— Powers of the Central Authority to enter on land for purposes of survey, etc.

- (a) to enter upon and survey any land and take levels thereon;
- (b) to dig and bore under the subsoil of such land;
- (c) to do all such other things as may be incidental to or necessary for the purposes aforesaid:

Provided that—

- (i) except in cases in which the Governor in Council has directed by notification in the *Royal Gazette* that the powers conferred by this subsection may, subject to the next succeeding proviso, be exercised without notice, such person shall not enter upon any land without giving at least twenty-four hours notice in writing to the occupier thereof; and
- (ii) such person shall not in any event enter into any building without the consent of the occupier thereof without giving at least twenty-four hours notice in writing to such occupier; and
- (iii) compensation shall be paid by the Central Authority for any loss, damage or injury caused by reason of the exercise of the powers conferred by this section, and, in default of agreement or arbitration, may be sued for in an action in the appropriate court as though the claim for compensation was a claim for damages against a private person; and all provisions of law relating to actions for damages against private persons (including provisions as to limitation of action) shall apply *mutatis mutandis* in relation to such actions for compensation against the Central Authority notwithstanding the provisions of the Public Authorities Protection Ordinance.

Ch. 9. No. 3.

(2) Any notice required by this section to be given to the occupier of any land may be served by delivering the same to such occupier or by delivering the same to any adult person at the usual or last known place of abode or business of the occupier or by sending the same in a pre-paid letter addressed to the occupier at his usual or last known place of abode or business or by affixing the same in a conspicuous place on the land.

Temporary
rights.

23. (1) For the execution of any alteration to, or extension of, the distribution system, it shall be lawful for all persons employed or authorised in writing by the Central Authority—

- (a) to enter upon any land;
- (b) to take therefrom stones and earth;

- (c) to erect provisionally on such land, within six hundred feet of the works which are being or are to be executed, labourers' camps, workshops, forges and places for mixing and preparing materials for the works ;
- (d) to provide a passage for materials and for all persons connected with the works :

Provided that at least twenty-four hours notice in writing shall be given in the manner provided in subsection (2) of section 22 to the occupier of the land entered.

(2) Compensation shall be paid by the Central Authority for the value of stones and earth taken as aforesaid, and for any loss, damage or injury caused by the exercise of the powers conferred by this section, and for any prejudice caused by the temporary servitudes authorised by this section. Any such compensation, in default of agreement or arbitration, may be sued for in an action in the appropriate court as though the claim for compensation was a claim for damages against a private person ; and all provisions of law relating to actions for damages against private persons (including provisions as to limitation of action) shall apply *mutatis mutandis* in relation to such actions for compensation against the Central Authority notwithstanding the provisions of the Public Authorities Protection Ordinance.

Ch. 9. No. 3.

(3) This section shall not have effect, except with the occupier's consent, in relation to land forming the whole or any part of a garden or orchard or the curtilage of a dwelling house or factory, or to ornamental land.

PART V.

ACQUISITION AND DISPOSAL OF WATER BY THE CENTRAL AUTHORITY.

24. Subject to the provisions of section 25, the Central Authority shall obtain its water for sale or distribution from the Government waterworks under and in accordance with the provisions of the Waterworks and Water Conservation Ordinance, 1944, and shall not otherwise obtain water for sale or distribution.

Central Authority ordinarily to obtain water from Government.

25. With the approval of the Governor in Council but not otherwise, the Central Authority may enter into an agreement with any Local Distribution Authority or other person on such terms and conditions as the Governor in

Acquisition of water by Central Authority otherwise than from Government.

Council may approve, for the sale and delivery of water in bulk by such Local Distribution Authority or person to the Central Authority.

Distribution
Areas.

26. (1) The Governor in Council may by proclamation published in the *Royal Gazette* declare that any area specified in such proclamation shall be a distribution area for the purposes of this Ordinance: Provided that no water district or part of a water district of any Local Distribution Authority shall be included in a distribution area.

Ch. 37, No. 1.

(2) Any area which, immediately prior to the coming into force of this Ordinance, is or is deemed to be a distribution area for the purposes of the Central Waterworks Ordinance shall be deemed to have been proclaimed a distribution area for the purposes of this Ordinance.

(3) The Governor in Council may by proclamation published in the *Royal Gazette* alter or extend the boundaries of any distribution area, or amalgamate any two or more distribution areas, or declare that any area, as to the whole or any part thereof, shall cease to be a distribution area.

Supply of
water under
special agree-
ment.

27. (1) It shall be lawful for the Central Authority and any Local Distribution Authority, with the approval of the Governor in Council, to conclude a special agreement for the supply of water in bulk by the former to the latter on such terms and conditions as may be thought fit, and in particular any such agreement may notwithstanding anything in any law to the contrary, contain any such terms and conditions as may be thought appropriate to secure that, as far as may be practicable, the Local Distribution Authority does not make a profit out of the distribution or sale of water while the agreement is in force.

(2) It shall be lawful for the Central Authority, with the approval of the Governor in Council, to enter into a special agreement with the Government or with any person other than a Local Distribution Authority for the supply of water by the Central Authority to the Government or such person either within a distribution area or outside the distribution areas and either in bulk or otherwise on such terms and conditions as may be thought fit: Provided that the Governor in Council shall not approve an agreement by the Central Authority to supply

water within the water district of a Local Distribution Authority unless either the Local Distribution Authority consents or the Governor in Council is satisfied that the Local Distribution Authority cannot or will not itself provide a reasonable supply in the particular case on reasonable terms.

28. It shall be lawful but not obligatory for the Central Authority to erect, maintain and keep supplied with water ^{Public stand-pipes.} in such places within a distribution area as the Central Authority shall deem fit public stand-pipes for the public use, and to remove any such standpipe which, in the opinion of the Central Authority, is no longer required.

~~29. (1) It shall be lawful but not obligatory for the Central Authority to supply water either within a distribution area or outside the distribution areas and either in bulk or otherwise by means of services. Except where the water is to be supplied to a Local Distribution Authority or to some person in the water district of a Local Distribution Authority, the power conferred by this section may be exercised without a special agreement and without the approval of the Governor in Council, but a service outside the distribution areas shall, in the absence of a special agreement to the contrary, be metered.~~ ^{Supply by services.}

Repealed and replaced by Sec. 4 28 7/1946

~~(2) This section shall be without prejudice to the operation of section 27.~~

30. (1) The Central Authority may, upon the application of the owner of any premises and the acceptance by such owner of the Central Authority's quotation for the work and the payment of such deposit in respect of the price quoted as the Central Authority may deem reasonable, cause a service for the supply of such premises to be laid on to such premises from a distributing main of the Central Authority. ^{Installation of services.}

(2) The whole cost of construction of any such service shall be paid for by the owner of the premises at the price quoted by the Central Authority and accepted by the owner, but only so much thereof as is not laid under the soil of a street shall be deemed the property of such owner.

(3) Any way-leave and any other permission to lay a service on, over or under any land other than a street intervening between the distributing main and the premises shall be obtained by and at the expense of the owner of the premises.

(4) The parts of all services not laid under the soil of a street shall be maintained by the Central Authority at the cost of the owner of the premises.

(5) The Central Authority may from time to time effect repairs to the service in any premises whenever they shall think necessary, or at the request of the owner or occupier thereof, and at the cost of the owner or occupier who may be required first to deposit the price quoted by the Central Authority for such repairs. The amount to be paid by the owner or occupier shall in any event be the Central Authority's quotation for the repairs.

(6) Any persons acting by the general or special directions of the Central Authority may enter any premises at all reasonable times between the hours of seven o'clock in the morning and five o'clock in the afternoon to inspect and examine any service therein, or any alteration or addition which is being, or has been, made to any service therein, or to ascertain if there be any waste of water from any cause whatsoever, and make such excavations and remove such materials as may be deemed necessary for the purpose of such inspection and examination, afterwards making good the same.

(7) No alteration or addition to any service shall be made without the consent of the Central Authority.

PART VI.

RATES AND CHARGES, ETC.

Rates leviable.

31. (1) The Central Authority shall levy a general water rate or rates and a water service rate or rates in distribution areas in accordance with the provisions of this Ordinance.

(2) A general water rate or a water service rate may be made to apply to all distribution areas or different rates may be fixed for different distribution areas or parts of distribution areas or for different classes of premises or, in the case of a water service rate, for different classes of supply.

(3) All such rates shall be payable in such manner and at such times (whether fixed by reference to the service of a notice of demand or otherwise) as the Central Authority shall prescribe.

32. Subject to such exceptions as may be prescribed by the Central Authority and to the terms of any special agreements made under section 27— Provisions as to rates.

- (a) a general water rate shall be levied on all premises situate in distribution areas which are within a distance of one quarter of a mile from a public stand-pipe, whether such premises are supplied with water by means of a service to such premises or not ;
- (b) a water service rate shall be levied on all premises situate in distribution areas which are supplied by means of an unmetered service to such premises.

33. (1) The Central Authority may prescribe special charges, either in lieu of or in addition to any water service rate which may be payable, in distribution areas generally or in specified distribution areas or parts of distribution areas or in respect of specified classes or descriptions of premises or in respect of specified classes or descriptions of supply or in respect of taps, urinals, water closets, troughs, baths or other like fittings or contrivances, and may reserve to itself the right to decide to which category any premises, supply, fitting or contrivance belongs. Special charges.

(2) Charges levied under this section shall be payable by the owner of the premises in respect of such periods and in such manner and at such times (whether fixed by reference to the service of a notice of demand or otherwise) as the Central Authority may prescribe and shall be subject to such rebates and refunds, when the circumstances giving rise to the charge are in existence during a portion only of the period in respect of which the charge is ordinarily leviable, as the Central Authority may prescribe.

(3) The Central Authority may decline to supply water for any fittings or contrivances which are not of a type approved by the Central Authority.

(4) The right to levy any special charges under this section shall be subject to the terms of any special agreement made under section 27.

Ascertainment
of annual
value of
premises.

34. (1) The Warden concerned shall, when requested by or on behalf of the Central Authority, deliver to the Central Authority copies certified by him of so much of the current assessment roll as relate to premises in distribution areas or as relate to any such premises as may be specified by or on behalf of the Central Authority and shall, whether requested by or on behalf of the Central Authority or not, forthwith deliver to the Central Authority copies certified by him of any corrections in, or additions to, any current assessment roll relating to premises in distribution areas.

(2) The annual value of premises for the purposes of this Ordinance shall be the annual taxable value thereof as stated from time to time in the current assessment roll :
Provided that—

- (a) where premises chargeable with a general water rate or a water service rate as a separate entity are not so valued in the current assessment roll, or where premises valued in the current assessment roll as one property ought, in the opinion of the Central Authority, to be valued separately for the purposes of this Ordinance or where premises separately assessed in the current assessment roll ought, in the opinion of the Central Authority, to be valued as one property for the purposes of this Ordinance, or where premises have from any cause whatsoever been omitted from the current assessment roll, the annual value of such premises for any year shall be such sum as the Central Authority shall from time to time calculate to the best of its skill and ability to be just ;
- (b) where a service is laid on in any premises and the water from such service is, with the consent of the Central Authority, used in such premises and adjoining premises of the same owner but

separately valued in the current assessment roll, the annual value of the two premises for the purpose of calculating the water service rate shall be the aggregate of the valuations of the premises in the current assessment roll ;

- (c) where machinery is liable to the general water rate or water service rate as part of any premises, the annual value of the premises shall be taken to be a sum equal to the total of the annual value of the premises apart from the machinery and the annual value of the machinery ; and the annual value of the machinery shall be taken to be a percentage of its capital value calculated in accordance with the following table :—

<i>Capital value of machinery.</i>	<i>Percentage.</i>
On the first \$100,000 or less ..	4
On any excess over \$100,000 not exceeding \$150,000 ..	2½
On any excess over \$250,000 not exceeding \$250,000 ..	2
On any excess over \$500,000 ..	1

For the purposes of this paragraph, all premises of one undertaking in one place which are liable to the rate shall be taxed as one premises.

The annual value of the premises apart from the machinery and the capital value of the machinery shall be ascertained as follows :—

- (i) where the total annual taxable value of the premises and machinery as shown in the current assessment roll is equal to the total of the annual taxable value of the premises apart from machinery and the annual taxable value of the machinery, as disclosed in the return on which the current assessment roll is based, the annual value of the premises apart from machinery shall be the annual taxable value thereof as so disclosed and the capital value of the machinery shall be the sum which at six per centum per annum would produce the amount of the annual taxable value of the machinery as so disclosed ;

- (ii) in any other case, the annual value of the premises apart from the machinery and the capital value of the machinery shall be such sums as the Central Authority shall from time to time calculate to the best of its skill and ability to be just.

(3) Whenever the Central Authority is unable to calculate the annual value of premises from the figures shown in the current assessment roll or, in the case referred to in paragraph (c) of subsection (2), from the figures disclosed in the return on which the current assessment roll is based as provided for in that paragraph, then the assessment by the Central Authority of the annual value of the premises shall be binding and conclusive on all parties unless the person accountable for the rate, not later than fourteen days after the service of a notice of assessment on him by the Central Authority in the prescribed manner, causes notice in writing to be given to the Magistrate of the district and to the General Manager of the Central Authority of his intention of appealing against the assessment; and the Magistrate shall hear and determine such appeal, and may in his discretion award such costs as he thinks proper to any party, and the payment of such costs may be enforced in the same manner as the payment of a penalty is enforceable under the Summary Courts Ordinance. In case the Central Authority or the person accountable for the rate shall be dissatisfied with the decision of the Magistrate on any such appeal, the Central Authority or such person may appeal from the decision of the Magistrate to the Full Court: Provided that, unless notice of such appeal shall be given within fourteen days after the date of such decision, the decision of the Magistrate shall be final and shall be binding and conclusive against all parties. The notice of appeal shall be signed by the appellant (or if the Central Authority is the appellant by the General Manager of the Central Authority) or by his or its counsel or solicitor, shall state the grounds on which the appeal is based, and shall be delivered to the Clerk of the Peace. The Clerk of the Peace shall cause to be served upon the respondent (or if the Central Authority is the respondent on the General Manager of the Central Authority) or on his

or its solicitor a copy certified under his hand of the notice of appeal, and shall notify the appellant and the respondent or their solicitors respectively of the date on which the appeal will in the ordinary course of business be on the list for hearing before the Full Court. The lodging of an appeal under this subsection shall not absolve the person accountable for the rate from his obligation to pay the same on the date on which it becomes due or from any consequences of non-payment upon such date. Any increase in the amount of the rate payable consequent upon the decision of a Magistrate or of the Full Court under this subsection shall become payable immediately after the date of the decision unless the rate itself has not become payable on or before that date, and any reduction in the amount of the rate consequent upon any such decision shall, if the rate has been paid, be given effect to by the Central Authority as soon as may be after the date of the decision.

35. (1) The Central Authority shall from time to time fix the general water rates and water service rates applicable to the period 1st of January to 31st of December (both dates included) of each year.

Fixing general
water rates
and water
service rates.

(2) Such rates shall be a percentage of the annual value of the premises in respect of which they are leviable, such annual value being taken to be the annual value as on the 1st of January or, where premises become liable to the rate after the 1st of January, the annual value of the premises on the date on which they become so liable: Provided that in the case of premises the annual value of which is less than twenty-four dollars and in the case of barracks, general water rates shall be such sums as may be fixed by the Central Authority in lieu of the percentage of the annual value.

(3) The amount to be paid shall, subject as hereafter provided, be taken to be the amount which would be payable if the premises were liable to the rate during the whole of the annual period: Provided that—

(a) where the premises are liable to the rate during a portion only of the annual period a rebate or refund shall be made of an amount in respect of each complete month of the annual period

during which the premises were not liable to the rate equivalent to one-twelfth of the amount which, but for this proviso, would have been payable for the whole of the annual period ;

(b) where there is a decrease in the annual value of the premises subsequent to the date on which the annual value of the premises is required by this section to be ascertained, a rebate or refund shall be made of an amount in respect of each complete month of the annual period during which the decreased annual value applied to the premises equivalent to one-twelfth of the difference between the amount which would have been payable for the whole of the annual period if there had been no decrease and the amount which would have been payable for the whole of the annual period if the decreased annual value had been the annual value throughout that period ;

(c) where there is an increase in the annual value of the premises subsequent to the date on which the annual value of the premises is required by this section to be ascertained, there shall be paid, in addition to the amount which would have been payable if there had been no such increase, an amount in respect of each complete month of the annual period during which the increased annual value applied to the premises equivalent to one-twelfth of the difference between the amount which would have been payable for the whole of the annual period if the increased annual value had been the annual value throughout that period and the amount which would have been payable for the whole of the annual period if there had been no increase.

(4) General water rates and water service rates fixed by the Central Authority under this section shall be subject to the approval of the Governor in Council and to confirmation or amendment by resolution of the Legislative Council.

36. General water rates and water service rates shall be payable by the owners of the premises in respect of which they are leviable. Liability of owners to pay rates

37. (1) It shall be lawful for the Central Authority to require that any water supply connected to a distributing main shall be metered, and to prescribe the charges to be paid by the owner of the metered premises for or in connection with the installation, use, testing and removal of any meter or class of meter, and to prescribe the charges which, subject to the terms of any special agreement made under section 27, shall be payable by the owner of the premises for water supplied through the meter. Metered supplies

(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 section shall be assessed and payable in such manner and shall be due at such times and in such circumstances as the Central Authority may prescribe.

38. (1) The Central Authority may, in its discretion, remit the whole or any part of the sums due or to become due in respect of any rate or charge when— Remissions.

- (a) any building in respect of which the rate or charge is fixed is destroyed or removed ;
- (b) the person liable for the payment of a water service rate or of a charge, other than a charge for water supplied by meter, cannot, through no fault of his, obtain a normal supply of water ;
- (c) there is some cause which prevents the person liable for the payment of the rate or charge from having, if he so desires, reasonably easy access to the water supply ;
- (d) there has been an omission on the part of the servants of the Central Authority to disconnect any service which should have been disconnected.

(2) It shall be lawful for the Governor in Council in any case in which it may appear to him to be just so to do, after giving the Central Authority an opportunity of

recording its views, to direct the Central Authority to refund or remit the whole or any part of any sum paid or payable in respect of any rate or charge leviable under this Ordinance.

(3) The powers conferred by this section shall be exercisable in relation to rates and charges which but for this Ordinance would have been payable to the Central Water Board as well as to rates and charges leviable under this Ordinance.

Place of pay-
ment of rates
and charges.

39. It shall be lawful for the Central Authority by notification in the *Royal Gazette* to declare the offices or places at which rates or charges shall be paid.

See sec. 5
of 7/46

39(a)

Increase of ten
per centum on
arrears.

40. Any rate, charge or sum due and payable under or by virtue of this Ordinance or any regulations thereunder, if unpaid at the expiration of three months after the same shall have become due and payable shall be increased at the rate of ten per centum: Provided that it shall be lawful for the Central Authority in any case in which it shall appear to the Central Authority that there is just cause for doing so, to remit such percentage increase in whole or in part.

Rates, etc., to
be a charge on
premises, and
recovery of
such rates.

Ch. 33. No. 8

41. (1) Any rate, charge, or sum due and payable under or by virtue of this Ordinance or any regulations thereunder, shall after the expiration of three months from the time the same became due and payable and until paid be a charge on the premises upon and in respect whereof such rate, charge, or sum is due and payable; and, without prejudice to such charge, and to the power of sale conferred by the Rates and Charges Recovery Ordinance, the amount of such rate, charge, or sum of money together with the statutory increase (if any), may be recovered by the Central Authority from the owner for the time being of such premises by action in the Petty Civil Court of the district without limit or amount, or by distress on any goods or chattels (including any movable tenement standing on land forming part of the premises) which may be found in or upon such premises.

Ch. 33. No. 8.

(2) The Central Authority is hereby declared to be a Public Authority within the meaning and for the purposes of the Rates and Charges Recovery Ordinance.

See sec. 6 of 7/46 (3)

PART VII.

FINANCIAL PROVISIONS.

42. (1) The Governor may, with the approval by ^{Advances and repayment of advances.} resolution of the Legislative Council, place at the disposal of the Central Authority such funds as may be necessary for carrying out its duties under this Ordinance, either out of the proceeds of loans raised for the purpose or out of the reserve fund, revenues, or surplus balances of the Colony. The repayment of such funds by the Central Authority shall be made out of its revenue by payments to the Accountant General of such amounts, at such rates of interest and at such times as shall be specified in any such resolution.

(2) Pending the raising of any such loans, it shall be lawful for the Governor by warrant under his hand to authorise the Accountant General to make advances to the Central Authority in such sums and on such terms and conditions as he may think fit for the purposes authorised by this Ordinance.

(3) The Central Authority may, with the sanction of the Governor in Council, borrow, as temporary advances, such sum or sums of money as the Central Authority thinks proper for defraying expenses included in the approved estimates; and the Central Authority may, with the like sanction, enter into arrangements with any bank with which the Central Authority has a current account, for allowing the Central Authority to overdraw its account to such extent as may, in each case, be specified in such sanction: Provided always that every such advance or overdraft shall be repaid before the expiration of the financial year in which the same shall have been obtained by the Central Authority.

43. (1) The funds of the Central Authority shall be such ^{funds of the Central Authority.} sums as may be made available under section 42 and such other sums as may accrue from the operations of the Central Authority.

(2) The funds of the Central Authority shall be applied towards—

(a) the payment of any expenses incurred by the Central Authority in carrying out its duties under this Ordinance, including expenses

relating to the acquisition of property, the alteration or extension of the distribution system, the payment of rates, taxes and insurance premiums in respect of lands or buildings, and the discharge of any liabilities of the Central Water Board which are transferred to the Central Authority by this Ordinance ;

- (b) the payment of interest on loans and the repayment of such loans ;
- (c) the creation of a renewals fund as the Central Authority may in its discretion consider sufficient.

Financial and
accounting
matters.

44. (1) All matters of a financial nature relating to the affairs of the Central Authority shall be considered by the Central Authority at a duly constituted meeting and shall be approved by resolution.

(2) The Central Authority shall cause to be kept proper accounts and books in relation thereto in such form as may be approved by the Accountant General and adopted by resolution of the Central Authority.

(3) All moneys payable to the Central Authority shall be collected and received for and on account of the funds of the Central Authority. Receipts for moneys paid to the Central Authority may be signed by the Accountant or on his behalf by any other officer appointed by the Central Authority to receive such moneys.

(4) All payments out of the funds of the Central Authority, except petty disbursements not exceeding a sum to be fixed by resolution, shall be made by the Accountant, or on his behalf by any other officer appointed by the Central Authority, upon vouchers submitted to and approved of by the Central Authority: Provided that in cases of urgency it shall be lawful for moneys to be paid out on vouchers signed by the Chairman, but such vouchers shall be laid before the Central Authority at the next meeting.

(5) All moneys of the Central Authority shall be paid into some bank or banks appointed by resolution, and such moneys shall, as far as practicable, be paid into the bank from day to day, save and except such sum as the

Accountant may be authorised by resolution of the Central Authority to retain in his hand to meet petty disbursements and for immediate payments.

(6) Cheques against any banking account required to be kept or withdrawals from any savings bank account shall be signed by the Accountant and countersigned by the Chairman or such other member of the Central Authority appointed by resolution for the purpose (a copy of which shall be certified by the Chairman and forwarded to the bank or banks concerned).

(7) The Central Authority shall by resolution provide for the following matters:—

- (a) the bank or banks into which the moneys of the Central Authority shall be paid, the title of any account with any such bank and the transfer of funds from one account to another;
- (b) the appointment of a member of the Central Authority to sign cheques in the absence of the Chairman;
- (c) the appointment of officers to receive and to make payments on behalf of the Accountant;
- (d) the amount to be retained by the Accountant to meet petty disbursements and immediate payments;
- (e) the vouchers required, and the method to be adopted, in making payments out of the funds of the Central Authority; and
- (f) generally as to all matters necessary for the proper keeping and control of the accounts and books and the control of the finances of the Central Authority.

45. (1) The accounts of the Central Authority and their officers shall be audited by the Government Auditor or by an Auditor appointed by the Governor in Council and the audit shall be conducted in accordance with such regulations as may be prescribed by the Governor. Audit of
accounts.

(2) The Central Authority shall, on or before the last day of February in each year, submit to the Auditor a statement of the accounts for the twelve months ending on the preceding 31st of December, and such statement shall, after audit, be submitted for the information of the Governor and the Legislative Council.

(3) The Auditor's fees and any expenses of the audit shall be paid by the Central Authority.

Submission of estimates.

46. The Central Authority shall on or before the 15th of November in each year submit for the approval of the Governor and the Legislative Council an estimate of the probable revenue and expenditure of the Central Authority for the twelve months commencing on the following 1st of January, and such estimate shall, when approved, not be departed from without the consent of the Governor and the Legislative Council: Provided that, if the total expenditure for the twelve months be not exceeded, the Governor in Council may authorise an excess of expenditure under any sub-head in view of an equivalent saving under some other sub-head or sub-heads: Provided also that in the event of any unforeseen accident causing an interruption to the water supply, or a serious abatement thereof, it shall be lawful for the Central Authority to proceed forthwith to effect the necessary works and repairs, and the cost thereof shall be paid from such funds as the Governor with the approval of the Legislative Council may direct. Any payment for such purpose out of general revenue may be recovered by instalments or otherwise by augmentation of rates as the Governor and the Legislative Council shall sanction.

PART VIII.

MISCELLANEOUS PROVISIONS.

Use of water supply.

47. In the absence of any agreement to the contrary, all water supplied by the Central Authority shall be deemed to have been supplied for domestic use only, and all water supplied to premises by means of a service shall be deemed to be supplied only for normal use in the premises in question.

Conservation of supply, &c.

48. The Central Authority may, without prejudice to the payment of any water rate or other sum due or to become due in respect of any water supply, or to any other remedy of the Central Authority under the provisions of this Ordinance or under any regulation made thereunder, diminish, withhold, suspend or divert the supply of water through the distribution system or any part thereof or through any service whenever it may be expedient or necessary for the purpose of conserving the water supply or for protecting, altering, extending, or repairing the distribution system or for the purpose of connecting or repairing services or in the case of fire.

49. The Central Authority shall acquire, hold and maintain, for the purposes of the distribution system and of services, such stock of pipes, cisterns, meters, taps, cocks, and all other materials, appliances and stores as the Central Authority may deem requisite and shall establish a store and a complete system of store accounts in respect of such pipes, cisterns, meters, taps, cocks and other materials to the satisfaction of the Accountant General and the accounts of such stores shall be open to audit. Stock of pipes and materials.

50. The Central Authority may sell to any person such stores as may be required for the construction of a service on any premises owned by such person at prices not being less than cost. Sale of stores.

51. If—

- (a) water supplied to any premises is used for any purpose or in any manner not authorised by or under the provisions of this Ordinance or the regulations thereunder, or Power to cut off water in certain circumstances.
- (b) anything is done or omitted in relation to the supply of water to any premises which under any such provisions as are designed to prevent waste or contamination of water ought not to be done or omitted,

the Central Authority may, without prejudice to any other remedy of the Central Authority in respect of such act or omission, cut off or disconnect the service to the premises so long as the contravention or default continues or is not remedied.

PART IX.

OFFENCES.

52. If any person—

- (a) uses any water supplied to any premises for any purpose or in any manner not authorised by or under this Ordinance or the regulations thereunder, or Certain offences in relation to services.
- (b) makes or retains any unauthorised connection with any distributing main or service, or makes or retains any unauthorised alteration of or addition to any service, or
- (c) abstracts water by any unauthorised means from any service, or

- (d) causes or suffers water supplied by a service to be wasted, unless such waste is due to a defective service and the defect has been reported to the Central Authority, or
- (e) suffers any service to be out of repair, whereby water is wasted, without such fact having been reported to the Central Authority,

he and the occupier of the premises (if he and the occupier are not the same person) shall be guilty of a continuing offence in respect of each day or part of a day during which the contravention continues and shall be liable on summary conviction to a fine of one hundred dollars in respect of the first day or part of a day and to a fine of five dollars in respect of each succeeding day or part of a day; and the contravention on any number of consecutive days or parts of days not exceeding one hundred and fifty may be made the subject of a single complaint and prosecution. On the conviction of any person for a contravention of this section, the Court may direct the forfeiture to the Crown of any tap, pipe, fitting or other device used in the contravention.

Offences in relation to water supplied by public standpipe.

Replaced
by Sec. 7
of Act 7/1946

53. (1) No person shall—

- (a) ~~make any non-domestic use of water obtained from a public standpipe, or~~
- (b) sell or dispose of for gain or reward any water obtained from a public standpipe; or
- (c) obtain any water from a public standpipe by means of anything connected thereto.

(2) If any person shall contravene any of the provisions of subsection (1), he shall be guilty of an offence and shall be liable on summary conviction to a fine of one hundred dollars, or on a second or subsequent conviction to a fine of two hundred and fifty dollars.

Pollution, etc., of water.

54. Any person who, without the permission of the Central Authority—

- (a) bathes or fishes in any part of the distribution system, or
- (b) drives or throws any animal into any part of the distribution system, or washes an animal in any part of the distribution system, or (being in charge of any animal) suffers that animal to be in any part of the distribution system, or

- (c) washes in or throws into any part of the distribution system any dead animal or any part of any dead animal, or
- (d) puts or throws into any part of the distribution system any rubbish, dirt or filth, or any foul offensive or noisome matter, whether solid or liquid, or
- (e) washes or cleanses in any part of the distribution system any cloth, wool or leather, or the skin of any animal, or any clothes, or
- (f) causes or suffers the water from any sink, privy, sewer, drain, engine, or boiler, or any foul or filthy water being and lying upon any land or premises of which he is the owner or which is under his management and control or under the management and control of his servants or agents, to run or flow into any part of the distribution system, or
- (g) otherwise is guilty of any act or omission which, by itself or with other acts or omissions, pollutes or is calculated to pollute the water in the distribution system,

shall be guilty of an offence and shall be liable on summary conviction to a fine of one hundred dollars, or on a second or subsequent conviction to imprisonment for three months or to a fine of two hundred and fifty dollars or to both such imprisonment and fine.

55. Any person who is guilty of any act or omission which, by itself or with other acts or omissions, impedes or interrupts, or is calculated to impede or interrupt, the flow of water, in any part of the distribution system shall be guilty of an offence and shall be liable on summary conviction to the punishments mentioned in section 54.

Impeding or interrupting the flow of water.

56. Any person who removes or tampers with any meter, gauge or measuring instrument or any level or other appliance of the Central Authority, shall be guilty of an offence and shall be liable on summary conviction to the punishments mentioned in section 54.

Offences relating to meters, gauges &c.

57. Any person who shall wilfully damage any part of the distribution system or any part of a service owned by the Central Authority or who shall wilfully open any lock, cock, valve, tap, meter, pipe, or other equipment belonging

Injury, &c. to property of the Central Authority.

to the Central Authority shall be guilty of an offence and shall be liable on summary conviction to a fine of five hundred dollars or to imprisonment for one year or to both such fine and imprisonment.

Abstracting
water from the
distribution
system.

58. Any person who shall by any unauthorised means abstract water from the distribution system shall be guilty of an offence and shall be liable on summary conviction to a fine of two hundred and fifty dollars, or to imprisonment for six months, or to both such fine and imprisonment.

Offences
against
regulations.

59. Any person who shall contravene or fail to comply with the provisions of any regulation made under this Ordinance shall be guilty of an offence and shall be liable on summary conviction to a fine of fifty dollars.

Application
of preceding
provisions of
this Part.

60. Nothing in the preceding provisions of this Part shall—

- (a) prevent the prosecution of any person for any offence described in any other law, so long as he is not punished twice for the same act or omission ;
- (b) render unlawful any act or omission done by or on behalf of the Central Authority or with the permission of the Central Authority or in pursuance of any agreement made with the Central Authority.

Assault and
obstruction of
officers and
servants.

61. If any person shall assault, molest, hinder or obstruct any member of the Central Authority or any officer or servant of the Central Authority or any person authorised thereto by the Central Authority in making or attempting to make any entry or inspection authorised by this Ordinance or any regulations made thereunder, such person shall be liable, on summary conviction, to a fine of fifty dollars.

See section 8 of
7/1946

61A, 61B, 61C.

PART X.

REGULATIONS.

Regulations

62. (1) The Central Authority may make regulations in respect of all or any of the following matters, that is to say—

- (a) anything which by this Ordinance may or is to be prescribed ;

- (b) the procedure for application for and collection of rates and charges imposed by or under this Ordinance ;
- (c) the keeping of accounts of the renewals fund and the investment of such fund ;
- (d) the method and manner in which water may be taken from public stand-pipes and the regulation of the use of such water ;
- (e) the price to be paid and the manner of payment of all services constructed or laid by the Central Authority, and the maintenance and repair thereof, the inspection of services laid otherwise than by the Central Authority, and for all work to be done for such services, including the amount to be paid for fixing, shifting, testing or repairing meters ;
- (f) the suspension or curtailment of the water supply ;
- (g) the construction, laying, fitting, alteration or readjustment of services, including baths, and the nature, size and pattern thereof and of meters used therewith ;
- (h) the prevention of waste of water ;
- (i) the prevention of the pollution of the distribution system ;
- (j) the protection of the distribution system ;
- (k) the acquisition and keeping of stores and system of stores' accounts ;
- (l) the duties of officers and servants of the Central Authority ;
- (m) the procedure to be followed at and in respect of meetings of the Central Authority ;
- (n) the forms of all notices to be given or sent by the Central Authority and the issuing and service thereof ;
- (o) the supply of water through meters and the control of meters ; and
- (p) generally, for more effectually carrying out the provisions of this Ordinance.

(2) Regulations made under this section shall have no force or effect until they have been approved by the Governor in Council and by resolution of the Legislative Council.

Third
Schedule

(3) Unless and until varied or revoked by other regulations, the regulations set forth in the Third Schedule hereto shall be in force.

THE FIRST SCHEDULE. (Section 9)

1. Past service under a prior Water Authority may, at the discretion of the Governor in Council, and for such period and in such manner as the Governor in Council may deem fit, be taken into account in computing pensions, gratuities and other allowances as though it had been service under the Central Authority.

2. Past service under the Central Water Board in an office to which subsection (2) of section 9 of this Ordinance relates shall count in full as though it had been service in a pensionable office within the meaning of that section. Past service in any other office under the Central Water Board, being an office the holder of which is deemed, in accordance with subsection (3) of section 8 of this Ordinance, to be transferred to the service of the Central Authority shall count as though it had been service in a non-pensionable office within the meaning of section 9 of this Ordinance.

3. The Governor may approve the transfer of an officer from the service of the Central Authority to the service of the Government or from the service of the Government to the service of the Central Authority: Provided that, in every such case—

- (a) any pension, gratuity or other allowance which is ultimately granted shall be paid from the public funds of the Colony;
- (b) the Central Authority shall pay from its funds to the Government such contribution as may be provided for in rules made by the Governor in Council, and any such rules may make different provisions in different classes of cases.

4. In relation to pensions, gratuities and other allowances in cases other than those referred to in paragraph 3 of this Schedule, the Pension Laws shall have effect subject to the following modifications and directions, namely—

- (a) the pensions, gratuities and other allowances shall be paid from the funds of the Central Authority;
- (b) any power to grant or refuse pensions, gratuities and other allowances, and any power in relation to pensions, gratuities and other allowances, which under the Pension Laws is vested in the Governor or the Governor in Council shall, unless the exercise of the power requires the approval of the Secretary of State under those Laws, be vested in the Central Authority: Provided that this subparagraph shall not apply to the powers conferred by sections 20, 21, 22 and 23 of the Pensions Ordinance or to the powers conferred by any similar provision of any other Pension Laws;
- (c) the powers conferred on the Governor in Council under section 10 of the Pensions Ordinance or under any similar provision of any other Pension Laws shall, except in cases where the exercise of the power requires the approval of the Secretary of State, be vested in the Central Authority.

5. Subject to the preceding paragraphs of this Schedule, references in the Pension Laws to the funds of the Colony shall be construed, unless the context otherwise requires, as though the funds of the Central Authority were funds of the Colony.

6. Sections 9A and 9B of the Pensions Ordinance, and Part II of the Pensions Regulations, 1938, and any similar provisions of any other Pension Laws shall not apply.

THE SECOND SCHEDULE.

(Section 20.)

CERTIFICATE OF COMPULSORY ACQUISITION OF A WAY-LEAVE.

I hereby certify that, in accordance with the provisions of the Central Water Distribution Authority Ordinance, 1944, the Central Water Distribution Authority has duly acquired the way-leave described below and in the plan annexed.

Notice of intention to acquire the way-leave was duly given in accordance with the provisions of the said Ordinance.

DESCRIPTION OF THE WAY-LEAVE.

(set out description)

Dated.....

(Sgd.)

.....
Chairman of the Central Water
Distribution Authority.

I hereby certify that no notice of objection to this way-leave was upheld by the Governor in Council.

(Sgd.)

.....
Clerk of the Council.

Lodged with me this

day of

(Sgd.)

.....
Registrar General.

THE THIRD SCHEDULE.

(Section 62.)

REGULATIONS UNDER THE CENTRAL WATER DISTRIBUTION
AUTHORITY ORDINANCE, 1944.

1. These Regulations may be cited as the Central Water Distribution Regulations, 1944.

Exemption from general water rate.

2. The following premises shall be exempt from the general water rate, namely:—

- (a) all premises occupied solely as churches, chapels or places of public worship of any religious denomination;
- (b) all premises which, although within a distribution area, are supplied with water by a Local Distribution Authority, with the consent of the Central Authority.

Exemption from water service rate and charge in lieu thereof.

3. All premises occupied solely as churches, chapels, or places of worship of any religious denomination, being premises with not more than one tap connected to a service from the distributing mains of the Central Authority, shall be exempt from water service rate and, in lieu of water service rate, there shall be charged in respect of each such premises the sum of two dollars and forty cents per annum. Any such premises having more than one such tap shall be metered.

Charges additional to water service rate.

4. The following charges shall be levied in addition to the water service rate, namely :—

- (a) in respect of each tap on any premises in excess of normal requirements60 cents per annum.

For the purposes of this paragraph the expression "normal requirements" shall mean :—

- (i) in the case of premises the annual value of which does not exceed \$96 ... One tap ;
 (ii) in the case of premises the annual value of which exceeds \$96 but does not exceed \$240 Two taps ;
 (iii) in the case of premises the annual value of which exceeds \$240 ... Three taps ;

and the expression "tap" does not include a tap taxable under the next succeeding paragraph or a bath tap or valve trough tap or valve.

- (b) in respect of each tap situated in a garden or field or in such other position as to be suitable, in the opinion of the Central Authority, for use for gardening or irrigation purposes ...\$4.80 per annum.

Provided that, as regards any premises in the d'Abadie-Tacarigua Distribution Area in respect of which a general district water rate was leviable immediately before the commencement of the Central Waterworks Ordinance Ch. 37. No. 1. under the District Waterworks Ordinance (Cap. 114), there shall be levied, in lieu of the above charge—

- (i) for one such tap\$14.40 per annum;
 (ii) for each additional tap\$28.80 per annum;
 (c) in respect of each water closet or urinal ...\$4.80 per annum;
 (d) in respect of each shower60 cents per annum ;

Provided that any shower in any such premises as are described in the proviso to paragraph (b) above may, with the permission of the Central Authority be treated as a tap for the purposes of paragraph (a) of this Regulation.

- (e) in respect of each fixed bath filled by means of a tap, valve or pipe connected to the distribution system ;
 (i) not exceeding 100 gallons capacity ...10 cents per annum per gallon of capacity ;
 (ii) exceeding 100 gallons capacity but not exceeding 300 gallons capacity ...12 cents per annum per gallon of capacity ;

- (iii) exceeding 300 gallons capacity but
not exceeding 600 gallons capacity ... 15 cents
per annum
per gallon
of capacity ;
- (iv) exceeding 600 gallons capacity ... 18 cents
per annum
per gallon
of capacity ;

For the purpose of this paragraph,
the capacity of a bath shall be measured to
the level of the overflow.

- (f) in respect of each unmetered trough in the
distribution area of Tobago which is filled
by means of a tap, valve or pipe connected
to the distribution system \$14.40 per annum

Rules as to charges under Regulations 3 and 4.

5. The annual charges specified in Regulations 3 and 4 shall be payable in respect of the period 1st January to 31st December (both days included), or any part of the said period in which the circumstances giving rise to liability to the charge exist, of each year : Provided that where such circumstances exist during a part only of the period a rebate or refund shall be made of one-twelfth of the charge for each complete month during the period in which the circumstances did not exist.

Regulations as to metered supplies.

6. The following charges shall be made for water supplied by meter :—

A. Supplies in Distribution Areas.

- (i) In respect of any human dwelling within a quarter of a mile of a public standpipe which is not, in the opinion of the Central Authority, the premises of a charitable institution 40 cents per 1,000 gallons.

The above charge shall be subject to the following free allowances :—

- (a) in the case of a separately serviced building occupied as one human dwelling 16,000 gallons of water supplied in any year.

- (b) in the case of a separately serviced building occupied as more than one human dwelling Such gallonage of water supplied in any year (being not less than 16,000 gallons) as the Central Authority may in each case or class of case approve.

- (c) in the case of human dwellings which obtain their water supply from metered stand-pipes on private land
- Such gallonage of water supplied in any year through the standpipe (being not less than 16,000 gallons) as the Central Authority, may in each case or class of case approve.

The Central Authority may reduce proportionately any free allowance of water in cases in which the allowance falls to be made for part only of a year.

For the purposes of this paragraph the word "year" means a period in respect of which an annual account for water supplied by meter is made out by the Central Authority, and the word "dwelling" includes servants' quarters, outhouses and any appurtenances to such dwelling.

- (ii) in respect of supplies to institutions which, in the opinion of the Central Authority, are charitable institutions
- 40 cents per 1,000 gallons;

Provided that there shall be allowed free in respect of each separately metered institution such total quantity of water as is equivalent, in the opinion of the Central Authority, to 5½ gallons per inmate per day

- (iii) in respect of supplies to dairies
- ...40 cents per 1,000 gallons;
- (iv) in respect of other domestic supplies within one quarter mile of a public stand-pipe
- ...40 cents per 1,000 gallons;
- (v) in respect of other non-domestic supplies, and in respect of all other supplies to premises which are not within one quarter of a mile of a public stand-pipe
- ...60 cents per 1,000 gallons.

B. Supplies outside Distribution Areas.

In respect of each separately metered supply not being a supply subject to special agreement

...60 cents per 1,000 gallons.

All charges per 1,000 gallons shall be calculated per 1,000 gallons or part of 1,000 gallons.

7. Where a metered supply falls into more than one category described in regulation 6, the Central Authority shall have the right to treat the whole supply as falling within the category which, in the opinion of the Central Authority, is most appropriate or to meter separately each category.

8. Save as hereinafter provided, all charges for water supplied by meter shall be based on meter readings made by officers of the Central Authority and all meters shall be presumed to be accurate until the contrary is proved.

9. Meters shall be read at such times as the Central Authority may direct. Whenever a meter is read, a memorandum of the reading and of the preceding reading shall be served on the owner of the premises.

10. (1) If a meter is found to be out of order or if it be removed for repairs or alterations, the fact shall be noted in the memorandum referred to in the next preceding regulation.

(2) On fixing a new meter or refixing the old meter a second memorandum shall be handed to the occupier of the premises.

(3) The consumption for the time during which the service was without a meter shall be calculated according to the average daily rate of consumption that obtained immediately preceding the removal of the meter during the period between two successive readings whilst the meter was in good order.

11. If the owner of any premises supplied by meter doubts the accuracy of the meter, then the meter shall, on demand, be tested by the Central Authority. The results of the test shall be binding both on the Central Authority and on the owner, and the quantity of water indicated by the meter as consumed since the immediately preceding reading shall be corrected according to the results of the test.

12. In the event of a test being made in accordance with the provisions of the next preceding regulation, if the meter be found to indicate correctly within 2 per cent, then a charge of five dollars shall be paid to the Central Authority by the owner for testing: Provided that it shall be lawful for the Central Authority to remit such charge in any case for just cause.

13. All meters shall henceforth be provided by, and be under the sole control of, the Central Authority who shall determine the positions of the meters and have access thereto at all times.

14. No rent shall be charged for meters.

15. The Central Authority shall not be responsible for any damage caused to the owner's property through accident to the meter or any connections.

16. Charges for repairs to meters necessitated by damage which in the opinion of the Central Authority is due to any wilful act or to negligence shall be paid for by the owner of the premises in which the meter is fixed.

17. No charge shall be made for fixing a meter in position to an unmetred service in existence at the commencement of the Central Waterworks Regulations, 1940, but the cost of fixing a meter in position in any other case, and the cost of shifting a meter at the request of the owner shall be a charge payable by the owner.

Dates on which rates, charges and meter rents are due and payable.

18. The general water rate, the water service rate, the charges leviable under regulations 3 and 4, shall be due and payable—

(a) where the premises, fittings, or contrivances are liable to the rate or charge from the beginning of January of the period for which the rate or charge is leviable and, in the case of a rate, the annual value of the premises is the amount shown in respect thereof in the current assessment roll; On the 30th June of the said period.

(b) in other cases (including a rate payable in respect of an increase in the annual value of premises); One month after the service on the owner of a notice of demand.

19. The charges payable by virtue of regulation 6 shall be due and payable on the 31st of March of each year, provided that a notice of demand shall have been served on the owner not later than one month before that date and, if a notice of demand shall not have been so served, shall be due and payable one month after service on the owner of a notice of demand.

Service of Notices.

20. (1) Any notice required or authorised by the Central Water Distribution Authority Ordinance, 1944, or any Ordinance amending or replacing the same, or any regulations thereunder, to be served on the owner of any premises may be served—

- (a) by delivering it to the owner, or
 - (b) by delivering it to any person on the premises or to any person at the usual or last known place of abode or business of the owner, or
 - (c) by sending it in a prepaid letter addressed to the owner at his usual or last known place of abode or business, or at the premises, or
 - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at its registered or principal office or sending it in a prepaid letter addressed to the secretary or clerk of the company or body at that office, or at the premises, or
 - (e) in the case of a firm by delivering it to any person at the usual or last known place of business of such firm or by sending it in a prepaid letter addressed to that firm at its usual or last known place of business, or at the premises, or
 - (f) in the case of a Government Department, by delivering it to any person at any office of the Department, or by sending it in a prepaid letter addressed to the Head of the Department at any such office, or
 - (g) if service in any of the manners hereinbefore provided is impracticable, by affixing the notice, or a copy thereof, on the premises.
- (2) For the purposes of this regulation, a notice shall be deemed to be delivered to a person if it is left near him and his attention is drawn to it.
- (3) Service on any one of several co-owners or on any one of several partners shall be good service on all such co-owners or partners.
- (4) A notice shall be deemed to be properly addressed if it is addressed by the description of "The Owner" of the premises (naming the premises) without further name or description.

Renewals Fund.

21. The Central Authority shall keep such separate books of account for the purpose of the Renewals Fund as may from time to time be directed by the Accountant General who shall also advise the Central Authority on investments of such Fund and be the custodian of all securities owned by the Central Authority.

22. Renewals funds of the Central Authority may be lodged in the Post Office Savings Bank or in the Savings Department of a bank or banks approved of by the Accountant General.

23. Any interest on the investments of Savings Bank deposits of the Renewals Fund shall be placed to the credit of such Fund.

24. Withdrawal vouchers in respect of authorised expenditure from the Renewals Fund shall be signed by the Chairman and such other member or members and officer or officers of the Central Authority as the Central Authority may from time to time direct by resolution, a copy of which shall be certified by the Chairman and forwarded to the bank or banks concerned.

Public Standpipes.

25. No person shall bathe, or wash any clothes, or wash any animal or vehicle in any street or public place within a distance of thirty feet from a public standpipe with water taken therefrom.

26. No person shall:—

- (a) turn on any tap or cock thereby causing water to flow from a public standpipe unless such water be received in a suitable receptacle or be needed for the immediate personal use of individuals ;
- (b) allow or cause water from a public standpipe to flow into a receptacle which is overflowing or from which water is being emptied ;
- (c) obtain water from a public standpipe otherwise than by normally operating the mechanism of the tap or cock fitted to such standpipe.

General.

27. No premises shall, except with the consent in writing of the Central Authority, have more than one connection from any distributing main of the Central Authority.

28. No premises shall have any connection with the pipe or any other fittings of any other premises connected to any distributing main of the Central Authority except with the consent in writing of the Central Authority and upon such terms and conditions as the Central Authority may impose.

29. No connection from a distributing main shall be made to any premises unless the owner shall have satisfied the Central Authority that he has provided, either by percolation or by suitable connection to a road drain or to such other drain as may in the opinion of the Central Authority be suitable, adequate means of disposal of waste and sullage water.

30. It shall be lawful for the Central Authority to disconnect or suspend the supply of water to any baths if they be used in such a manner as in the opinion of the Central Authority gives rise or tends to give rise to waste of water or undue consumption thereof, or if the consumption of water by such baths is prejudicial to the general supply.

31. The Central Authority may refuse permission to connect any or all baths to any distributing main or service pipe.

32. The system of Stores Accounts shall be as directed by the Accountant General.

33. Orders for materials and stores and for work to be carried out by contract shall be signed by the General Manager or an officer authorised by him.

34. Indents on the Crown Agents for the Colonies shall be prepared and transmitted in accordance with the Civil Service Regulations and Instructions for the time being in force.

35. The duties of officers and servants of the Central Authority shall be as the Central Authority may from time to time direct by resolution, a copy of which shall be certified by the Chairman and forwarded to the Colonial Secretary.

36. The ordinary meetings of the Central Authority shall be held at such times and places as the Chairman shall appoint, and at not less than seven days' notice in writing.

Ch. 37. No. 1. 37. The regulations contained in the Third Schedule to the Central Waterworks Ordinance, as amended from time to time, are hereby revoked.

COMPARATIVE TABLE.

"F.O." means the Central Waterworks Ordinance, Ch. 37. No. 1.

Clause.	Origin.	Comment.
2 ...	Sec. 2 of F.O.	...
3 and 5	Part II of Ord. 34 of 1942 adapted.	The former section has however been adapted to meet the new scheme and in a number of respects attempts have been made to improve the former definitions from a drafting point of view. For example there seems no point and some danger in having entirely separate definitions of "domestic use" and "non-domestic use". The expression "non-domestic use" has been defined and the expression "domestic use" will mean any other use. The definition of "way-leave" has been re-cast (<i>see</i> clauses 11, 20 and 21). As to definitions of "private land" and "street" <i>see</i> clauses 19, 20, 22, 23, 30(2) and 30(4).
4 ...	Sec. 3 of Ord. 21 of 1942.	
6 ...	Sec. 9 of F.O.	
7 ...	Sec. 7(1) of F.O.	
8 ...	New. C.f. Sec. 7(2) and (3) of F.O.	
9 ...	New. C.f. Sec. 11 of F.O.	
The clauses generally of Part III	New.	This Part must be read with the complementary sections of the Waterworks and Water Conservation Bill.
10 ...	—	It is intended (<i>see</i> the Waterworks and Water Conservation Bill) that the land on which waterworks of the Central Authority stand or are constructed shall be held by the Crown but be made available by the Crown for the Central Authority as required under clause 16. The Central Authority will however have power to acquire land with the approval of the Governor in Council in special cases under clause 17.

Clause.	Origin.	Comment.
12, 13 and 14		Some of the waterworks of the Central Water Board will become the property of Government under the Waterworks and Water Conservation Bill and others will become the property of the Central Authority under this Bill. It is not however thought necessary to make provision for a detailed apportionment of the funds and liabilities of the Board in view of the fact that the Central Authority (like the Board) will for some time at least have to have a Government subvention.
15	... Sec. 14 of F.O.	
16	...	See note on clause 10.
17	... Sec. 5 (2) of F.O.	
18	... Sec. 5(1) of F.O.	
19	... Sec. 3 of Ord. 6 of 1941. Cf. secs. 47 and 48 of F.O.	
20	... New	... It is essential that the Central Authority should have special power to take way-leaves over private property without having to trace all the owners and occupiers concerned before proceeding. The procedure under the Pipe-lines Ordinance Ch. 26. No. 9, would be much too complicated and would involve interminable delays. Hence provisions of sub-clause (3) as to notice and the terms of sub-clause (6). Under Ch. 26. No. 9, a Magistrate decides whether a way-leave shall be obtained but it is thought that under this Bill that power (on appeal) should be vested in the Governor in Council. See sub-clause (4). Sub-clause (9) provides for compensation in very general terms. Cf. sec. 9 (2) (a) of Ch. 26. No. 9. In view of the wide terms of the provision however, it is thought that a Judge and not a Magistrate should decide questions of compensation. Consideration was given to the question of adapting the provisions of the Compensation (Defence) Act, 1939, but on the whole those provisions seemed unsuitable.
21	... New.	
22	... New	... Compare section 3 of the Land Acquisition Ordinance, 1941.

<i>Clause.</i>	<i>Origin.</i>	<i>Comment.</i>
23 ...	Sec. 6 of Mauritius Ordinance No. 55 of 1940.	
The clauses generally of Part V.	—	Save where otherwise stated, these provisions are new.
26 ...	Sec. 16 of F.O.	
28 ...	Sec. 37 of F.O.	
29 ...	New.	
30 ...	Sec. 39(1), (3), sec. 40, sec. 43 of F.O. adapted.	
31 ...	Sec. 21 of F.O.	
32 ...	Sec. 22 of F.O.	... But made subject to clause 27.
33 ...	Sec. 23 of F.O.	... Sub-clause (4) is new.
34 ...	Sec. 5 of Ord. 21 of 1942.	
35, 36, 37	Secs. 25, 26 and 27 of F.O.	
38 ...	Sec. 28 of F.O.	... Sub-clause (3) is new.
39, 40, 41	Secs. 28 to 31 of F.O.	
42-46 ...	Part IV of Ch. 37. No. 5.	
47 ...	Sec. 39(2) of F.O.	
48 ...	Sec. 39(6) of F.O.	
49, 50	Secs. 41 and 42 of F.O.	
51 ...	Sec. 46 of F.O.	
The clauses of Part IX	—	These clauses are based on Part VIII of the the F.O., but the provisions of that Part have been very largely re-cast.
62 ...	Sec. 55 of F.O.	
First and Second Schedules	New.	
Third Schedule	Existing regulations with formal amendments.	

Passed in Council this twelfth day of April, in the year of Our Lord one thousand nine hundred and forty-four.

W. J. BOOS,
Clerk of the Council