

THE CENTRAL WATERWORKS ORDINANCE, 1935.

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TRINIDAD AND TOBAGO.

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No. 15—1935.

I ASSENT,

[L.S.]

A. C. HOLLIS,

Governor.

27th May, 1935.

[On Proclamation.]

AN ORDINANCE to provide for the supply of water by a Central Water Board and the taking over by such Board of the rights, powers, duties and obligations of Maintenance, Rating and other Authorities constituted by the District Waterworks Ordinance, Cap. 114, and other enactments, to repeal such enactments and generally to make provision in respect of the supply of water to the public throughout the Colony other than within Municipalities.

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

PART I.

GENERAL.

1. This Ordinance may be cited as the Central Water-works Ordinance, 1935, and shall commence on a day to be fixed by the Governor by proclamation.

Short title.

Commence-
ment.

2. In this Ordinance—

Definitions.

- “ Board ” means the Central Water Board established by this Ordinance.
- “ Distribution area ” means an area defined by Proclamation in accordance with the provisions hereinafter contained within which area the Board is authorised to distribute water.
- “ Distributing main ” means any pipe line the property of the Board through which water may be supplied or is intended to be supplied by the Board for the purposes of general supply.
- “ Meter ” means any appliance used to measure, ascertain, or regulate the amount of water taken or used from the Waterworks, as well as any orifice, gauge, or other appliance used in estimating the flow of water into, in or from any part of the Waterworks.
- “ Domestic supply or domestic use ” means water from the Waterworks supplied or used in any premises for drinking, washing, cooking, water closets, baths or any other purpose of domestic life, but subject to any special restrictions imposed by this Ordinance.
- “ Non-domestic supply or non-domestic use ” means water from the Waterworks supplied or used for the purpose of or in carrying on any trade or manufacture, or for cattle, horses or other animals, for washing vehicles or for watering fields or gardens cultivated or occupied as a means of pecuniary profit, or for private fountains, or for any ornamental purpose, or for the supply of ponds or tanks, or for laundries or public wash-houses or public baths, public garages and petrol filling stations, or for vessels, ships, or boats or for other purposes authorised by the Board not being for domestic supply or domestic use ; and includes the water used or consumed by any person resident in or occupying any premises where a non-domestic supply is given.

“ 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.

“ Municipalities ” means the city of Port-of-Spain and the Boroughs of San Fernando and Arima and the respective Councils thereof, or any one or more of such Municipalities.

“ Public stand-pipe ” means any fountain, stand-post, dipper, valve, tap, or appliance used or intended to be used for or in connection with the supply of water from the waterworks to the public generally.

“ Service ” means all pipes, valves, cisterns, cocks, fittings and other appliances (excepting any meter) by or through which water flows or is intended to flow from the waterworks, or which are or may be used for the purpose of supplying any premises from a distributing main.

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

“ Waterworks ” means all reservoirs, dams, weirs, tanks, cisterns, tunnels, filter-beds, conduits, aqueducts, pipes, stand-pipes, sluices, valves, pumps, engines and other machinery, and all other buildings, structures or appliances used or constructed, or to be used or constructed by or on behalf of the Board for the storage, conveyance, supply, measurement, or regulation

of water, and includes any waterworks as herein defined taken over by the Board from any prior water authority in accordance with the provisions of this Ordinance, but does not include a service as herein defined.

“Way leave” means a right to the user of land for the laying of pipes and mains, together with the right of access to and of opening such land from time to time for the inspection and renewal or repair thereof, without affecting the ownership of such land.

“Prior Water Authority” means an authority constituted by a Provisional Order made in accordance with the District Waterworks Ordinance.

Application.

3. This Ordinance shall apply to all waterworks and watercourses in the Colony other than waterworks and watercourses controlled by Municipalities.

PART II.

ESTABLISHMENT, CONSTITUTION AND GENERAL POWERS OF THE CENTRAL WATER BOARD.

The Central Water Board.

4.—(1) For the purposes of this Ordinance, there shall be established a Board to be called the Central Water Board which shall consist of a Chairman and six other members.

(2) The Board shall be a body corporate and shall have perpetual succession and a common seal which shall be officially and judicially noticed and the seal shall be authenticated by the signature of the Chairman or other member of the Board and by the Secretary.

(3) The Board may sue and be sued in its corporate name and may for all purposes be described by that name.

Power of Board to acquire and dispose of property.

5.—(1) The Board may purchase or otherwise acquire and hold any personal property required for the purposes of this Ordinance and may dispose of any such personal property, no longer required for such purposes.

(2) The Board may purchase or otherwise acquire and hold and may take on lease any real property and any interest therein required for the purposes of this Ordinance.

(3) It shall be lawful for the Board, with the consent of the Governor under the Seal of the Colony but not otherwise, to sell and alienate any real property or interest therein vested in them, and to demise any such property or interest for any term exceeding ten years from the time when such lease shall be made. And it shall be lawful for the Board, without such consent, to lease or demise any real property for any term not exceeding ten years, provided the full rental value in respect of the same be reserved year by year on such lease or demise, and no premium be payable in respect of the same.

6.—(1) The Chairman and other members of the Board shall be appointed by the Governor in Executive Council; the Chairman shall hold office for three years and the other members for two years, provided that at the expiration of his term of office any member of the Board may be re-appointed by the Governor in Executive Council. Constitution of the Board.

(2) Four members shall constitute the quorum necessary to constitute a meeting of the Board.

(3) In the absence of the Chairman the members present shall appoint one of their number to act as Chairman of any meeting.

(4) The Chairman of any meeting shall have a casting as well as a deliberative vote.

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

7.—(1) It shall be lawful for the Board, with the approval of the Governor, to enter into an agreement with Consulting Engineers for advice and direction pertaining to the construction, maintenance and extension of water-works at such remuneration as may be mutually agreed upon. Consulting Engineers to the Board.

Appointment
of officers
and servants.

(2) It shall be lawful for the Board, with the approval of the Governor to appoint at such remuneration and on such terms and conditions as they may determine the undermentioned officers :

- (a) a General Manager, who shall be a Chartered Civil Engineer possessing experience in the construction, maintenance and management of waterworks ;
- (b) an Assistant General Manager ;
- (c) a Secretary ;
- (d) an Accountant, and
- (e) such other engineers, clerks, assistants, inspectors, collectors and other officers and servants as may be necessary and proper for the efficient management, maintenance and supervision of the waterworks,

and to require any officer or servant so appointed to give such security as may be deemed proper for the due execution of his duties.

Indemnity to
members of the
Board.

8. No personal liability shall attach to any member of the Board in respect of anything done or suffered in good faith under the provisions of this Ordinance and any sums of money, damages or costs which may be recovered against them or any of them for anything done or suffered as aforesaid shall be paid out of the funds of the Board.

Minutes of
Meetings of
the Board.

9. The Board shall meet at such times as may be necessary or expedient for transacting the business of the Board. The Chairman or any three members of the Board may convene a special meeting of the Board. Minutes of each meeting in proper form shall be kept by the Secretary which 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.

Power to
co-opt Warden
or Medical
Officer of
Health.

10. The Board may by notice addressed to any Warden or Medical Officer of Health, within whose district there may be a distribution area, require their attendance at any meeting of the Board, to give advice on any matter relating to the supply of water in such distribution area.

11.—(1) The Board may recommend to the Governor in Executive Council that any office under the Board shall be declared to be pensionable and the Governor in Executive Council may thereupon, with the sanction of the Secretary of State by notice in the *Royal Gazette* declare such office to be a pensionable office under the Pensions Ordinance, 1934.

Pensions and gratuities to officers and servants of the Board.

(No. 16 of 1934.)

(2) Any other employee may be granted a gratuity on retirement in accordance with the principle and on the basis followed for calculating gratuities for non-pensionable employees in the public service of the Colony.

(3) Any pension, gratuity or other allowance granted to any officer or other employee in respect of his service under the Board shall be a charge against the funds of the Board.

(4) The past service of any officer or employee of the Board under a prior Water Authority may at the discretion of the Governor and for such period as he shall think fit be deemed by the Governor with the sanction of the Secretary of State to be service under the Board.

(5) The Governor may, subject to such conditions as he may impose, approve of the transfer of any officer in the service of the Colony to any office under the Board and the transfer of any officer in the service of the Board to any office in the service of the Colony: Provided that in relation to pension, gratuity or other allowances and to other rights as a public officer, such officer shall be deemed to have been at all times in the service of the Colony while so employed; and provided further that, whenever any pension, gratuity or allowance is granted to any such officer, the Board shall pay from its funds to the Government an annual or lump sum, as the case may be, which shall bear the same proportion to such pension, gratuity or allowance as the aggregate amount of the pensionable emoluments which he has drawn from the funds of the Board bears to the total amount of pensionable emoluments received by him during his total pensionable service in the Colony.

PART III.

VESTING, CONTROL AND EXTENSION OF WATERWORKS.

Transfer of waterworks, powers, rights and liabilities of prior Water Authorities, to the Board.

12. The waterworks referred to in the next succeeding section and all personal property belonging to or used in connection with such waterworks and the waterworks of the several prior Water Authorities specified in the Schedule to this Ordinance and all real and personal property belonging to such prior Water Authorities or used in connection with their several waterworks and all moneys standing to the credit or receivable by the said prior Water Authorities and all other moneys standing to the like credit or similarly receivable, and derived or to be derived from loans raised before the commencement of this Ordinance for the purposes of such waterworks or any of them and all interests, rights and easements into or out of the said property, real or personal (including things in action) which belong to or are vested in or would but for this Ordinance have belonged to or vested in the said several prior Water Authorities shall at the commencement of this Ordinance and without any conveyance, assignment or other transfer belong to and be vested in the Board subject to all and any trusts, powers, rights, duties, capacities, debts, liabilities and obligations affecting the same, including liability for interest on any loan raised in relation to such waterworks and for contribution to any redemption fund established in connection with any such loan.

Vesting of control of Valencia area and central and other waterworks, in the Board.

13.—(1) The area comprising 3,950 acres more or less, situate in the Ward of Valencia, as delineated and set forth in a certain plan dated the 6th day of November, 1934, signed by John Walker Macgillivray, Surveyor-General and Sub-Intendant of Crown Lands, the boundaries whereof are edged pink vested in the Crown and any extension of such area and any additional areas of Crown Lands which are specifically allocated for the purposes of the Central Water Supply Scheme shall remain vested in the Crown, but the Board shall have entire occupation of such area and any extension thereof and any such additional areas and the waterworks situate therein and of all other waterworks situate elsewhere which are used in connection

therewith and the Board shall manage, maintain, control and supervise all such areas and all such waterworks as aforesaid for the purpose of carrying into effect the provisions of this Ordinance.

(2) Such occupation, management, maintenance, control and supervision, and the imposition, payment, recovery and enforcement of payment of rates or sums of money due from persons making use of the water or the waterworks or any part thereof, shall be exercised and regulated by or under the provisions of this Ordinance and of all laws for the time being in force regulating the same.

14. The Board may alter and extend the waterworks or may construct additional waterworks for increasing and improving the water supply and may obtain or provide funds for executing such alterations or extensions as hereinafter provided. Extension of waterworks.

15. For the purposes of construction, extension or maintenance of any waterworks controlled by or belonging to the Board or authorised in accordance with the provisions of this Ordinance, all waterworks and all lands, streams, springs, riparian and other water rights, water-courses, way-leaves, easements and other interests in land necessary for such purposes may be acquired by the Board under the provisions of the Land Acquisition Ordinance, and for such purposes the approval of the Governor in Executive Council of such construction, extension or maintenance shall be deemed to be equivalent to the appropriation of moneys towards public works within the meaning of section 3 of that Ordinance. Power to acquire lands. Cap. 165.

PART IV.

DISTRIBUTION AREAS AND THE SUPPLY OF WATER.

16.—(1) The Governor in Executive Council may by Proclamation in the *Royal Gazette* declare areas, to be defined in such proclamation, to be Distribution Areas within which the Board shall control the supply and distribution of water for domestic and non-domestic supplies: Provided that the districts of prior water authorities constituted and defined by Provisional Orders under the District Waterworks Ordinance, and the Village of Diego Distribution Areas. Cap. 114

Cap. 115. Martin as defined by the Diego Martin Waterworks Ordinance and as specified in the Schedule to this Ordinance shall be deemed to be Distribution Areas for the purposes of this Ordinance.

Schedule.

(2) The Governor in Executive Council may by Proclamation alter or extend the boundaries of a Distribution Area and may amalgamate one or more Distribution Areas or declare that an area shall cease to be a Distribution Area.

Power to supply water in bulk to or purchase from a Municipality.

17. (1) It shall be lawful for the Board to enter into an agreement in writing with a Municipality for the supply by the Board of water in bulk to such Municipality either as to the whole water supply of such Municipality or to supplement the existing supply of water by such Municipality. The terms and conditions, including the methods of admeasurement of such bulk supply and the payment therefor, shall be incorporated in such agreement.

(2) It shall be lawful for the Board to enter into an agreement in writing with a Municipality for the supply by the Municipality of water in bulk to the Board for distribution by or under control of the Board to public stand-pipes and premises situate outside the Municipality. The terms and conditions, including the methods of admeasurement of such bulk supply and the payment therefor, shall be incorporated in such agreement.

(3) In the event of the Board and a Municipality being unable to arrive at an agreement in respect of a supply of water as required by this section, the matter in dispute shall be referred to the Governor in Executive Council, who shall have the power to settle the terms and conditions of such agreement and such agreement, when so settled, shall be binding on both the Board and the Municipality.

Rates in respect of stand-pipes and premises under s. 17 (2)

18. It shall be lawful for the Board to levy a general Water Rate and a Water Service Rate in respect of water supplied to public stand-pipes and premises under section 17 (2) hereof.

Power to supply water outside a Distribution Area.

19. It shall be lawful for but not obligatory upon the Board to supply water outside a Distribution Area upon such terms and conditions as may be prescribed by the Board.

PART V.

RATING AUTHORITY AND RATES FOR WATER SUPPLIED.

20. The Board shall be the Rating Authority for the purpose of providing, out of rates to be charged for the supply of water, the moneys requisite for the construction, maintenance and repair of waterworks and all other charges and expenses of the Board, including interest and sinking fund charges on loans. Board to be the Rating Authority.

21. The Board shall levy within a Distribution Area a general water rate and a water service rate payable in such amounts, at such times and in the manner to be prescribed under this Ordinance. Rates leviable

22.—(1) The full general water rate shall be levied upon all premises situate in a Distribution Area and 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. The general water rate.

(2) One-half of the full general water rate shall be levied upon all premises situate in a Distribution Area and within a distance exceeding one-quarter but not exceeding one-half 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.

(3) The water service rate shall be levied upon all premises supplied by a service from a distributing main of the Board. The water service rate.

(4) It shall be lawful for the Board to prescribe a special water service rate for warehouses, shops, stores or buildings no part of which is used as a dwelling house and in which no trade or manufacturing process is carried on requiring the use of water as an ingredient in the manufacture or preparation of any article therein prepared or manufactured.

23.—(1) In all other cases, and especially as regards the supply of water for baths of greater than any prescribed cubic capacity, and for non-domestic purposes, such Special charges.

rates, charges and payments shall be made and taken as may be prescribed by the Board.

(2) It shall be lawful for the Board to refuse the supply of water for baths other than baths approved of by the Board.

Basis of
assessment
of general
water rate.

24. The Wardens of Districts and of the Ward of Tobago in which are situate Distribution Areas shall on or before the 15th day of September in each year deliver to the Board copies certified by the Wardens of so much of the current Assessment Rolls as apply to the Distribution Areas; and the general water rate in respect of all premises within the Distribution Areas shall be based on the current assessment of such premises in the said assessment rolls, and be payable by the owners of the respective premises as appear on the assessment rolls.

Provided that where premises chargeable to the general water rate as a separate entity are not so valued in the said assessment roll the Board shall make a just valuation of such premises according to their best skill and ability.

Fixing of
amount of
general water
rate.

25.—(1) The general water rate shall be fixed by the Board for the following year on or before the 15th day of October in each year and shall be at such percentage prescribed by the Board based on the current assessment as in the preceding section mentioned. Such rate shall be subject to the approval of the Governor in Executive Council and to confirmation or amendment by resolution of the Legislative Council.

(2) In the case of buildings valued at less than twenty-four dollars per annum, and barracks, in lieu of such general water rate there shall be payable such sums as may be fixed by the Board, approved and confirmed as aforesaid.

Assessment
and payment
of water
service rate.

26. The water service rate shall be assessed and be payable in such manner and at such times as may from time to time be prescribed by the Board and shall be payable by the owners of the respective premises as appear on the assessment rolls.

27. The Board may require that the supply of water for any purpose shall be measured by means of a meter. The charges for water supplied by measure through a meter shall be assessed and be payable in such manner and at such times as may be prescribed by the Board.

Charges for water supplied by meter.

28. In the event of any premises being destroyed by fire or any building thereon being removed by the owner thereof or for any other cause which may prevent the person liable for payment of any rate from obtaining a normal supply of water through no fault of his own, the Board may, in their discretion, remit the whole or any part of the sums due or to become due in respect of any such rate.

Exemptions and remissions.

29. The general water rate and all payments in lieu thereof and the water service rate and any other payments due to the Board shall be receivable by Wardens of the districts in which there may be situate one or more Distribution Areas, for and on behalf of the Board. Such rates and other sums substituted therefor shall be paid by the owners of premises and other persons liable therefor to the respective Wardens on such dates as shall be prescribed by the Board.

Payment of rates to be made to the Wardens.

30. Any rate, charge, or sum due and payable under or by virtue of this Ordinance 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.

Increase of ten per cent. on arrears.

31. (1) Any rate, charge, or sum due and payable under or by virtue of this Ordinance, 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 Board from the owner for the time being of such premises by action in the Petty Civil Court of the district without limit of amount, or by distress on any goods or chattels (including any moveable tenement standing on land forming part of the premises) which may be found in or upon such premises.

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

Cap. 287.

(2) The Central Water Board is hereby declared to be a Public Authority within the meaning and for the purposes of the Rates and Charges Recovery Ordinance, Cap. 287.

PART VI.

FINANCIAL PROVISIONS.

Advances and
repayment of
advances.

32.—(1) The Governor may with the approval by resolution of the Legislative Council place at the disposal of the Board such funds as may be necessary for carrying out their duties under this Ordinance, either out of the proceeds of loans raised for the purpose or out of the reserve fund or revenues of the Colony. The repayment of such funds by the Board shall be met out of their revenue by payments to the Treasurer of such amounts, at such rates of interest and at such times as shall be specified in any such resolution.

Accounting for
revenue.

(2) The Board shall keep proper books of account in such form as may be approved by the Treasurer and all moneys payable to the Board under this Ordinance shall be collected and received for and on account of the revenue of the Board.

Deposits and
payments
through the
Treasurer.

(3) All moneys received by or on behalf of the Board shall be deposited with the Treasurer to the credit of the Board and all payments for and on behalf of the Board shall be made by the Treasurer.

Submission of
estimates.

33. The Board shall on or before the 15th day 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 Board for the twelve months commencing on the following 1st day 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 Executive 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 Board 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.

34. The Board shall, on or before the 31st day of January in each year, submit to the Auditor a statement of account for the twelve months ending on the preceding 31st day of December, and such statement shall, after audit, be submitted for the information of the Governor and the Legislative Council. Audit of accounts.

35. The Board shall be responsible for the principal moneys of any loan raised and expended prior to the commencement of this Ordinance by any prior water authority for the construction, improvement or maintenance of waterworks and shall on such dates as may be fixed under any law regulating the same, or, when not so regulated, by the Governor in Executive Council, pay annually to the Treasurer, to be carried to the credit of the relevant loan account such sums as may be fixed under any law regulating the same, or, when not so regulated, by the Governor in Executive Council, to meet the charges for interest and sinking fund in respect of any such loan. Responsibility of Board for previous loans to prior water authorities.

36. In each and every year the Board shall place not less than five per cent. of the gross revenue of such year to a Fund which shall not be applied to any purpose other than for renewals of the Waterworks without the approval of the Governor in Executive Council. Renewals Fund.

PART VII.

CONSTRUCTION, MANAGEMENT AND CONTROL OF WATERWORKS.

37. The Board may erect, maintain and keep supplied with water in such places within a distribution area as the Board shall deem necessary public stand-pipes for the public use of the inhabitants of the area, with power from time to time to limit the supply thereto and to remove the same as the Board shall deem fit. Public stand-pipes.

Distributing
mains.

38. The Board shall not be compellable to lay or to provide or keep distributing mains in every street or road or within reach of every house in a distribution area.

Conditions
as to supply
to premises.

39. The Board may, upon the application of the owner of any premises within a distribution area and upon such deposit by the owner as the Board may deem reasonable in respect of the estimated expense of the work, cause a service for the supply of such premises to be laid on to such premises from a distributing main of the Board. The whole of such service shall be constructed at the cost of the owner of the premises but only so much thereof as is not laid under the soil of a public street shall be deemed the property of such owner.

Cost of laying
service.

40. The cost of laying any such service shall be paid by the person requiring the same to be laid, and any way-leave and any other permission to lay the same along or through any land intervening between the distributing main and such premises shall be obtained by and at the expense of such person.

Stock of pipes
and materials.

41. The Board shall acquire, hold and maintain for waterworks purposes such stock of pipes, cisterns, meters, taps, cocks, and all other materials, appliances and stores as the Board may deem requisite for the construction of services in any distribution area 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 Treasurer and the accounts of such stores shall be open to audit and verification by the Auditor.

Sale of stores.

42. The Board may sell to private owners or to any public department in respect of premises used by or under the control of such department within a distribution area, such materials, appliances, and stores as may be required for the construction of house services on the premises of such individuals or such department, at prices not being less than the total cost thereof to the Board, including Customs Duty assessed in accordance with the Customs tariff.

43.—(1) The parts of all services not laid under the soil of the public street shall be maintained by the Board at the cost of the owner of the premises. Maintenance of service.

(2) The Board 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 estimated cost of such repair.

(3) The Board may direct any authorized servant to 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 the service therein, 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, but without being liable to make compensation in respect of the same.

(4) The cost of laying on any service, and of any repairs thereto, may be recovered in the manner herein provided with respect to the water service rate, and in addition thereto shall be deemed a charge upon the premises.

(5) No alteration or addition to any service shall be made without the consent of the Board or without the execution thereof being subject to their inspection or control.

44. It shall be lawful for the Board or any person authorized by the Board, together with servants and workmen to enter into and upon and inspect any lands or premises adjacent to or in the neighbourhood of the waterworks, or of any lake, pond, spring, river, stream, reservoir, aqueduct, or other watercourse from, to, through, along, or by which water is conducted and supplied to the waterworks or which contributes to any public water supply, and to erect without permission and from time to time to inspect, repair, replace, or remove any gauge or other measuring instrument and any level mark or other appliance that the Board shall deem requisite. Power of entry to inspect sources of supply and to erect gauges.

Power to enter premises to examine as to waste.

45. Any authorized servant of the Board may, at all reasonable times between the hours of seven o'clock in the morning and five o'clock in the afternoon, enter into any premises supplied with water from the waterworks in order to examine the service therein and to ascertain if there be any waste of such water, from any cause whatsoever. And if any person lawfully claiming admission to any premises in pursuance hereof is refused admittance into such premises, or prevented from making such examination, the Board may cut off or disconnect the service to such premises.

Power to cut off water in case of waste.

46. If any person supplied with water wrongfully does or permits to be done anything in contravention of any of the provisions of this Ordinance, or any regulations made thereunder or wrongfully fails to do anything which under any of such provisions ought to be done for the prevention of the waste or contamination of water, the Board may, without prejudice to any other remedy in respect of any such act, neglect, or default, cut off or disconnect the service to the premises of such person, and cease to supply water thereto so long as the cause of injury remains or is not remedied.

Power to open and break up streets, &c.

47. Subject to the restrictions and provisions in the next succeeding section the Board may for the purposes of the supply of water open and break up the soil and pavement of any street or public road and lay down distributing mains and services and erect meters and other works thereon and from time to time repair, alter or remove the same and remove and use all earth and materials in and under any such street or public road and do all other acts which the Board shall from time to time deem necessary for the supply of water, doing as little damage as can be in the execution of the powers hereby granted.

Conditions and restrictions of breaking up streets, &c.

48. When by virtue of the powers of the Board under the preceding section the Board intend to proceed with the laying down of any distributing main or other works as aforesaid in, over or under a street or road, the depth, course and position at and in which the same is to be laid

down shall be settled between the Board and the road authority ; but if such settlement is not come to with the road authority, the following provisions shall take effect :—

- (a) The Board shall give the road authority notice specifying the depth, course and position which the Board desire.
- (b) If the road authority does not within 14 days after the giving of such notice give to the Board a counter notice objecting to the proposal of the Board and specifying the depth, course and position which the road authority desires it shall be deemed to have agreed to the proposal of the Board.
- (c) In the event of ultimate disagreement between the Board and the road authority the depth, course and position shall be determined by the Governor in Executive Council.
- (d) The Board shall, with all convenient speed, complete the work on account of which they opened or broke up such street or road and fill in the ground and make good the surface and generally restore such street or road to as good a condition as that in which it was before being opened or broken up and on failure of the Board so to do the Road Authority may carry out the necessary work and recover the cost thereof from the Board.
- (e) The Board shall in the meantime cause the place where the roadway is opened or broken up to be protected and properly lighted at night.
- (f) The Board shall not stop or impede traffic in any street or road, or into or out of any street or road, further than is necessary for the proper execution of the works. They shall not close against traffic more than one-third in width of any street or road, or of any opening into any street or road, at one time ; and in case two-thirds of such street or road are not wide enough to allow vehicles to pass each other, they shall not occupy with their works at one time more than 100 yards in length of the one-third thereof, except with the special consent of the road authority.

PART VIII.

OFFENCES.

Improper use
of water.

49. Any occupier of premises within a distribution area rated for water service who shall, without the consent of the Board, permit to be used the water supplied to such premises for any purpose other than the purposes for which the same is supplied and charged, or who shall be proved to have knowingly had water supplied to his premises through any pipe other than the pipe which connects with any service pipe in respect of the supply of water through which he is charged with a water service rate, shall be deemed to have committed an offence against this Ordinance in respect of every day during which he shall have been proved to have so used or permitted the same to be used or have had water so supplied, and, on summary conviction thereof before a Magistrate, shall be liable to a penalty not exceeding twenty-five dollars for the first day, and not exceeding five dollars per day for each succeeding day; and in any one complaint, summons, or hearing for an offence or offences against this section, it shall be competent for any number of consecutive days, not exceeding one hundred and fifty, to be included, and evidence given in respect thereof on one and the same prosecution with respect to the same premises without limit of amount.

Unlawful
taking of
water.

50.—(1) No person or persons except those resident in premises (within a distribution area) duly assessed for water rates may take or use water from the waterworks.

(2) No person resident within a distribution area shall take water from the waterworks and transport the same outside such area except for domestic use for himself and family.

(3) Any person who contravenes the provisions of this section shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding twenty-five dollars.

51.—(1) Every person who—

Offences
(generally).

- (a) bathes in any part of the waterworks or in any watercourse ; or
- (b) drives any animal or permits or suffers any animal to be driven or to enter into the waterworks or into any watercourse ; or
- (c) washes in or throws into, or causes or suffers to be washed in or thrown into, the waterworks or into any watercourse, any animal ; or
- (d) washes in or throws into the waterworks or into any watercourse any dead animal or any part of any dead animal ; or
- (e) puts or throws, or causes or suffers to be put or thrown into the waterworks or into any watercourse any rubbish, dirt, filth, or any foul, offensive, or noisome matter, whether solid or liquid ; or
- (f) washes or cleanses, or causes or suffers to be washed or cleansed, in the waterworks or in any watercourse any cloth, wool, leather, or skin of any animal, or any clothes ; or
- (g) 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 the waterworks or into any watercourse ; or
- (h) constructs, alters, or extends the service in his premises, or connects any tap on his premises with the distributory pipes of the waterworks, without the knowledge and consent of the Board ; or
- (i) negligently or improperly moves or injures any main or other pipe of the waterworks obstructs the same ; or

- (j) does or commits any other thing or act whatsoever whereby any water flowing to or from the waterworks is fouled or polluted, or the flow thereof impeded or interrupted, or the water is improperly abstracted or wasted ; or
- (k) removes or tampers with any meter, gauge or measuring instrument, or any level mark or other appliance without lawful excuse ; or
- (l) does or wilfully or knowingly omits any act or thing, the doing or wilful or knowing omission of which is by the regulations of the Board declared to be an offence ;

shall be guilty of an offence against this Ordinance, and, on summary conviction therefor before a Magistrate, shall, for every such offence, be liable to a penalty not exceeding twenty-five dollars, and a further penalty of five dollars for each day after the first that the offence is continued.

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

Assault and
obstruction
of officers
and servants.

52. If any person shall assault, molest, hinder or obstruct any member of the Board or any officer or servant of the Board or any person authorized thereto by the Board in making or attempting to make any entry or inspection authorized by this Ordinance or any regulations made thereunder such person shall be guilty of an offence and on summary conviction thereof before a Magistrate shall, for every offence, be liable to a penalty not exceeding fifty dollars.

General
penalty.

53. Any person guilty of an offence against this Ordinance or any regulations made thereunder for which no penalty is expressly provided shall on summary conviction therefor before a Magistrate be liable to a penalty not exceeding twenty-five dollars, or in the case of a second or subsequent offence, to a penalty not exceeding fifty dollars.

54. One-half of all penalties recoverable in respect of any offence under this Ordinance or any regulations made thereunder shall be paid by the Magistrate to the Board as part of the funds of the Board applicable to the purposes of the waterworks. ^{Appropriation of penalties.}

PART IX.

GENERAL.

55.—(1) The Board may make, alter and repeal regulations in respect of all or any of the following matters, that is to say— ^{Regulations.}

- (a) Anything which by this Ordinance may or is to be prescribed.
- (b) The procedure for application 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.
- (e) The price to be paid and the manner of payment of all services constructed or laid by the Board, and the maintenance and repair thereof, the inspection of services laid otherwise than by the Board, and for all work to be done for such services, including the amount to be paid for 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 water supplies.
- (j) The protection of water supplies.
- (k) The acquisition and keeping of stores and system of stores' accounts.
- (l) The duties of officers and servants of the Board.
- (m) The procedure to be followed at and in respect of meetings of the Board.
- (n) The forms of all notices to be given or sent by the Board and the issuing and service thereof; and
- (o) Generally, for more effectually carrying out the provisions of this Ordinance.

(2) Regulations made under this section shall not have any force or effect until they have been approved by the Governor in Executive Council and by resolution of the Legislative Council, and when so approved they shall be published in the *Royal Gazette* and from the date of such publication, or from the date specified therein, such regulations shall have the same force and effect as if they were contained in and formed part of this Ordinance.

Repeal and
Saving clause.

Cap. 114.

Cap. 115.

Cap. 284.

Ord. 6—1934.

56. The District Waterworks Ordinances, the Diego Martin Waterworks Ordinance and the Couva Water Supply Ordinance and the several Provisional Orders made under the authority of the District Waterworks Ordinance are hereby repealed without prejudice to anything lawfully done thereunder; provided that notwithstanding such repeal all rates and charges payable in accordance with any such Ordinances and Provisional Orders shall be payable in accordance therewith to the Board; provided further that it shall be lawful for the Board with the approval of the Governor in Executive Council to remit or refund any part of such rates or charges as are payable in respect of the twelve months ending on the 28th day of February, 1936, as regards the St. Joseph and Tunapuna Waterworks District, and in respect of the twelve months ending on the 31st day of December, 1935, as regards all other Waterworks Districts.

SCHEDULE.

PRIOR WATER AUTHORITIES AND PROVISIONAL ORDERS.

DISTRIBUTION AREAS.

St. Joseph and Tunapuna.

Under the Provisional Order approved by resolution of the Legislative Council on the 5th day of September, 1919, and amending Orders similarly approved on the 6th day of May, 1923, and the 29th day of February, 1924.

The area shewn on a plan dated the 20th January, 1916, signed by the Director of Public Works and deposited in the office of the Sub-Intendant of Crown Lands.

Princes Town.

Under the Provisional Order approved by resolution of the Legislative Council on the 14th day of December, 1923.

The area shewn on a plan dated the 18th October, 1923, signed by the Director of Public Works and deposited in the office of the Sub-Intendant of Crown Lands.

 SCHEDULE.— *Continued.*

 PRIOR WATER AUTHORITIES AND
 PROVISIONAL ORDERS.

DISTRIBUTION AREAS.

Sangre Grande.

Under the Provisional Order approved by resolution of the Legislative Council on the 17th day of October, 1930.

The area shewn on three plans dated the 26th August, 1921, 26th August, 1921, and 25th February, 1930, respectively, signed by the Director of Public Works and deposited in the office of the Sub-Intendant of Crown Lands.

Tobago.

Under the Provisional Order approved by resolution of the Legislative Council on the 11th day of December, 1925.

The area shewn on a plan dated the 9th November, 1925, signed by the Director of Public Works and deposited in the office of the Sub-Intendant of Crown Lands.

Fyzabad.

Under the Provisional Order approved by resolution of the Legislative Council on the 26th day of May, 1933, and amending Orders similarly approved on the 20th day of October, 1933 and the 22nd day of February, 1935.

The areas coloured red and brown on a plan dated the 17th May, 1933, signed by the Director of Public Works and deposited in the office of the Sub-Intendant of Crown Lands.

Diego Martin.

Under the Diego Martin Waterworks Ordinance, Cap. 115.

The village of Diego Martin lying between the southern boundary of the plantation called the River Estate and the northern boundary of the plantation Rich Plain, and being within the space of one thousand feet on the eastern side and two thousand feet on the western side of the high road of Diego Martin measured from the centre of the road.

Passed in Council this seventeenth day of May, in the year of Our Lord one thousand nine hundred and thirty-five.

J. O'CONNOR,
 Clerk of the Council.