

WATER INDUSTRY ACT

No. 1 of 2001

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No. 1 of 2001

I assent,

(SIR COLVILLE N. YOUNG)
Governor-General

9th February, 2001.

AN ACT to make new provisions with respect to the supply and control of water and sewerage services in Belize; to promote the conservation and proper use of water resources; to provide for the issue of licences to water supply companies; to provide for the vesting of the assets and liabilities of the Water and Sewerage Authority in the company or companies licensed by the Public Utilities Commission; to repeal the Water and Sewerage Act, Chapter 185 of the Laws of Belize; and to provide for matters connected therewith or incidental thereto.

(Gazetted 10th February, 2001.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:—

PART I
Preliminary

1. This Act may be cited as the

Short title.

WATER INDUSTRY ACT, 2001.

2. (1) In this Act, unless the context otherwise requires,

“aquifer” means a geological structure or formation or an artificial landfill permeated or capable of being permeated permanently or intermittently with water;

“Authority” or “Water and Sewerage Authority” means the Water and Sewerage Authority established under section 3 of the repealed Act;

“bore” means any bore, hole, well, excavation or other opening in the ground or any naturally or artificially constructed or improved underground cavity which could be used, is used or may be used for the purpose of intercepting, collecting, obtaining or using groundwater or for the purpose of disposing of any water or waste *below the surface of the ground*, or which extends to an aquifer;

“charge” means any charge or rate levied by the P.U.C under this Act;

“communication pipe” means-

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

is laid and includes the ferrule at the junction of the service pipe with the main and also—

- (i) where the communication pipe ends at a stopcock, that stopcock, and
- (ii) any stopcock fitted on the communication pipe between the end thereof and the main;

“cut off”, in relation to the supply of water, means to stop the supply whether by operating a tap, by disconnecting pipes or otherwise;

“drain” means, [subject to subsection (4) below] a drain used for the drainage of one building, or of any buildings or yards appurtenant to buildings within the same curtilage;

“effluent” means liquid waste or waste water produced as a result of any industrial or commercial process and includes sewage;

“environment” means all aspects of the surroundings of man including the physical, biological, economic, cultural and social aspects;

“existing sewerage system” means the sewerage system that, at the commencement of this Act, is vested in the Water and Sewerage Authority under the repealed Act and any other system of sewers for the disposal of sewerage which may be vested in the Government;

“gathering ground” or “catchment area” means any surface of land or device which collects rainfall for the purpose of the waterworks;

“Government” means the Government of Belize;

“groundwater” means all water occurring or obtained from below the surface of the ground other than water contained in works, not being a bore, for the distribution, storage or treatment of water or waste, and includes water occurring in or obtained from any bore or aquifer;

“house” means any building or part of a building which is occupied as a dwelling-house, whether or not a private dwelling-house, or which, if unoccupied, is likely to be so occupied;

“land” includes premises, any interest in land, and any easement or right in, to or over land;

“licensee” means a person holding a valid and subsisting licence granted under section 15 of this Act;

“local authority” means any City Council or Town Council established under the Belize City Council Act, the Belmopan City Council Act or the Town Councils Act;

“main” means a pipe for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such pipe;

“meter” means any apparatus used to measure, show, ascertain or regulate the volume of water supplied to, or of effluent discharged from, any premises;

“Minister” means the Minister responsible for water and sewerage, unless otherwise specified;

“Ministry” means the Ministry responsible for water and sewerage unless otherwise specified;

“notice” means notice in writing;

“owner”, in relation to any building, land or premises means a person, other than a mortgagee not in possession, who for the time being is entitled to dispose of the right of ownership of the building or land whether in possession or reversion, and also a person holding or entitled to the rights and profits of the building or land under a lease or agreement the unexpired term whereof exceeds three years, or the landlord or his agent if the landlord is absent or under any disability, or if there be no such agent, the occupier of the building, and cognate expressions shall be construed accordingly;

“potable water” means water which is satisfactory for human consumption and meets all health requirements;

“premises” includes houses, buildings, land or any structure, whether of a temporary or permanent nature;

“prescribed” means prescribed by regulations made under this Act;

“public standpipe” means any fountain, standpipe, stand-post, valve, tap or appliance used or intended to be used for or in connection with the supply of water directly to the members of the public generally or to the members of a section of the public from the waterworks;

“P.U.C.” means the Public Utilities Commission established under section 3 of the Public Utilities Commission Act;

No. 39 of 1999.

“records” includes computer records and any other records kept otherwise than in a document;

“repealed Act” means the Water and Sewerage Act (repealed by this Act);

“rooftop catchment” means any installation or device suitable for the collection of rainwater on the roof of buildings or dwelling houses;

“service pipe” means [subject to subsection (4) below] so much of a pipe which is, or is to be, connected with a water main for supplying water from that main to any premises as—

- (a) is or is to be subject to water pressure from that main; or
- (b) would be so subject but for the closing of some valve, and includes part of any service pipe;

“services” includes facilities:

“sewage” means any liquid waste or waste water; discharge containing human, animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution;

“sewer” includes all sewers and drains which are used for the drainage of buildings and yards appurtenant to buildings;

“sewerage services” includes the disposal of sewage and any other services which are required to be provided by a licensee for the purpose of carrying out his functions;

“sewerage system” means the existing sewerage system and any sewers hereafter constructed by any licensee or under any agreement between the

Government, or a licensee and contractors relating to such system of sewers whereby sewerage is or is intended to be conveyed and disposed of;

“sewerage works” means any works for the collection, transmission, treatment and disposal of sewerage or any part of such works;

“soil pipe” means the pipe forming the connection between a water-closet and the house sewer, and includes all necessary appliances;

“stopcock” includes any box or pit in which a stopcock is enclosed and the cover to any such box or pit, for regulating the flow of liquid;

“street” includes any highway, road, lane, footway, square, court, alley, passage, or thoroughfare whether adapted for vehicular traffic or not and includes any pavement or foot-path adjoining such street;

“subsistence garden” means a garden appurtenant to, or used in connection with, a dwelling or group of dwellings for the subsistence of the residents thereof, the produce of which is predominantly consumed by such residents and is not sold or bartered;

“supply of water for industrial or commercial purposes” means a supply of water used in connection with any profession, trade, business, industrial or commercial enterprise;

“surface water” includes water from roofs;

“use”, in relation to water, includes to withdraw, pump, extract, take, use or re-use or divert for the purpose of using or re-using, that water;

“waste” includes sewerage and any other matter or thing whether wholly or partly in solid, liquid or gaseous state, which may cause water pollution;

“water”, “waters” and “water resources” mean —

- (a) water flowing or situated upon the surface of any land,
- (b) water flowing or contained in —
 - (i) any river, stream, creek or other natural course for water,
 - (ii) any lake or spring,

whether or not it has been altered or artificially improved;

- (c) groundwater,
- (d) any water contained by works acquired, constructed, improved or operated by or on behalf of the licensee pursuant to Parts III and IV of this Act,
- (e) any estuarine or coastal water prescribed by the Minister by Order published in the *Gazette*, as water to which this Act or any Part or provision thereof applies;

“water-closet” includes the necessary pan, supporting base, fitting, cisterns and other flushing arrangements, soil pipe and ventilation shaft, and any other connection usually used for collecting and conveying sewage from one place to another, but does not include the enclosing structure;

“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes and passages through which water flows, whether on the surface or underground, except water-mains and sewers;

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

“waterworks” includes all existing reservoirs, intakes, catchments, dams, tanks, cisterns, deepwells or boreholes, tunnels, pillar beds, conduits, aqueducts, pipes, fountains, sluices, valves, hydrant pumps, and all other structures or appliances which are used or intended to be used or constructed for the supply, storage, purification, conveyance, support, measurement or regulation of water by or on behalf of a licensee, or which may hereafter be used or constructed for the aforesaid purpose by a licensee and which belong to or are managed by or vested in a licensee;

“works” includes waterworks.

(2) In this Act, references to domestic purposes, in relation to a supply of water to any premises or in relation to any cognate expression, are references to the drinking, washing, cooking, and sanitary purposes for which water supplied to those premises may be used. Where the whole or any part of the premises are or are to be occupied as a house, those purposes shall be taken to include-

- (a) the purposes of a profession carried on in that house or, where —
 - (i) that house and another part of the premises are occupied together; and

- (ii) the house comprises the greater part of what is so occupied,

in that other part; and

- (b) such purposes outside the house (including the washing of vehicles and the watering of gardens) as are connected with the occupation of the house and may be satisfied by a supply of water drawn from a tap inside the house and without the use of a hosepipe or similar apparatus.

(3) No such reference to domestic purposes shall be taken to include a reference –

- (a) to the use of a bath having a capacity, measured to the center line of overflow or in such other manner as may be prescribed, of more than two hundred and thirty litres;
- (b) to the purposes of the business of a laundry; or
- (c) to any purpose of a business of preparing food or drink for consumption otherwise than on the premises.

(4) In this Act —

- (a) references to a pipe, including references to a main, a drain or a sewer, shall include references to a tunnel or conduit which serves or is to serve as the pipe in question and to any accessories for the pipe; and
- (b) references to any sewage disposal works shall include references to the machinery and

equipment of those works and any necessary
pumping stations and outfall pipes;

and, accordingly, references to the laying of a pipe shall include references to the construction of such a tunnel or conduit, to the construction or installation of any such accessories and to the making of a connection between one pipe and another.

PART II

REGULATION AND PROVISION OF WATER AND SEWERAGE SERVICES

3. (1) As from such day as the Minister may by Order appoint for the purpose of this Act (referred to as "the appointed day"), the Authority shall, subject to section 4 of this Act, cease to perform the functions imposed upon it by the Water and Sewerage Act. **Cessation of Authority's functions.**
CAP. 185.
- (2) On the appointed day, the Authority shall, subject to section 4 below, cease to
- (a) distribute, supply and sell water for public and private purposes;
 - (b) be responsible in any way for maintaining, developing, constructing and administering any sewerage works and sewerage services.
4. (1) During the transition period, the Authority shall continue to perform those functions necessary and sufficient for the provision of water and sewerage services other than those functions assigned to the Minister or the P.U.C. under the Water and Sewerage Act or any other law. **Functions of Authority during transition period.**
CAP. 185.
- (2) For the purposes of this Act, "the transition period" means the period beginning with the appointed day and ending on the vesting day.

**Manner of
exercise of
functions
during
transition
period.**

5. During the transition period, the Authority shall act in a caretaker capacity and shall exercise its functions in consultation with the P.U.C. and where appropriate, the Minister.

**Delegation of
powers and
functions by
Minister.**

6. The Minister may by Order, delegate all or any of his powers and functions under this Act to the P.U.C. subject to such restrictions and limitations as may be specified in the Order—
- (a) to secure that there are provided throughout Belize, save in so far as the provision thereof is impracticable, such water and sewerage services as satisfy all reasonable demands for them including, in particular, emergency services, and services in rural areas; and
 - (b) without prejudice to the generality of paragraph (a) above, to secure that any person by whom any such service is to be provided is able to finance the provision of those services.

Byelaws.

7. (1) The P.U.C. may, with the approval of the Minister, make byelaws relating to
- (a) the inspection and protection of waterworks;
 - (b) the fixing and testing of meters;
 - (c) the prevention of the misuse or waste of water supplied;
 - (d) the conditions under which fixtures and fittings may be installed;

- (e) the methodology and process for the determination of tariffs, charges and fees to be charged for the provision of water and sewerage services by licensees for provision of same;
- (f) the quality of service standards, including penalties for violations of such standards and the methodology and process for establishing and enforcing quality of service standards, and the calculation and assessment of penalties for their violations;
- (g) the use by the licensees, of a system of accounts which is in conformity with the generally accepted principles and practices of accounting;
- (h) prescribing the size, nature, efficiency, materials, strength and workmanship, and the mode of arrangement, connection, disconnection, alteration and repair of water fittings to be used;
- (i) forbidding illegal reconnection or the use of any water fittings which are of such a nature or are so arranged or connected as to cause or permit waste, unauthorised consumption, misuse, erroneous measurement or actual or potential contamination of water, or reverberation in pipes; and
- (j) prescribing the circumstances in which, and the methods by which, water supplied by the licensee is to be stored and treated on any premises;
- (k) matters generally connected with water and sewerage services which are not otherwise

provided for, the generality of this provision not being limited by the preceding paragraphs.

(2) Byelaws made under this section shall have no effect or force until they have been published in the *Gazette*.

Functions and
duties of
P.U.C.

8. (1) The P.U.C. shall exercise any of its functions assigned or transferred to it under this Act or in a manner which it considers is best calculated to —
- (a) secure that all reasonable demands for water and sewerage are satisfied;
 - (b) secure that licensees are able to finance the carrying on of the activities which they are authorised by their licences to carry on;
 - (c) promote competition in the supply of water and sewerage services;
 - (d) protect the interests of consumers of water and sewerage services supplied by persons authorised by licences to supply such services in respect of
 - (i) the prices charged and the other terms of supply,
 - (ii) the continuity of supply, and
 - (iii) the quality of the services provided by licensees;
 - (e) promote efficiency and economy on the part of persons authorised by licences to

supply water and sewerage services and the efficient use of water supplied to consumers;

- (f) promote research into and the development and use of, new techniques by or on behalf of persons authorised by a licence to supply water and provide sewerage services;
- (g) protect the public from dangers arising from the supply of water and sewerage services;
- (h) secure the establishment and maintenance of machinery for promoting the health and safety of persons employed in the supply of water and sewerage services;
- (i) conserve water and avoid undue consumption;
- (j) prevent misuse or contamination of water supplied by a licensee;

and the P.U.C. has a duty to take into account, in exercising those functions, the effect on the physical environment of activities connected with the supply of such services by licensees.

(2) In performing its duty under subsection (1) (d) (i) above, the P.U.C. shall take into account, in particular, the protection of the interests of consumers of water in rural areas.

(3) In performing its duty under subsection (1) (d) (iii) above, the P.U.C. shall take into account, in particular, the interests of those who are disabled or are of pensionable age.

(4) In this Part, "licence" means a licence granted under section 15 below.

(5) It shall also be the duty of the P.U.C. so far as it appears to it practicable from time to time to do so, to collect information with respect to commercial activities connected with water and sewerage services carried on in Belize and the persons by whom they are carried on with a view to its becoming aware of, and ascertaining the circumstances relating to the matters with respect to which its functions are exercisable.

(6) This section applies to any activities connected with the provision and supply of water and sewerage services.

**Publication of
information
and advice.**

9. The P.U.C. may arrange for the publication of all relevant information that may be considered expedient in protecting the interest of consumers.

Investigation.

10. It shall be the duty of the P.U.C. to consider any matter which

(a) relates to water and sewerage services provided or water pipes or waterworks supplied in Belize; and

(b) is the subject of a representation (other than one appearing to the P.U.C. to be frivolous) made to the P.U.C. by or on behalf of a person appearing to the P.U.C. to have an interest in that matter.

**Power to
require
information.**

11. (1) The P.U.C may, for any relevant purpose in connection with water and sewerage services in Belize, by notice in writing signed by it require any licensee to furnish the information required by it.

- (a) require any person to produce, at a time and place specified in the notice, to the P.U.C. or to any person appointed by it for the purpose, any documents which are specified or described in the notice and are in that person's custody or under his control; or
- (b) require any person carrying on any business to furnish to the P.U.C. such estimates, returns or other information as may be specified or described in the notice, and specify the time, the manner and the form in which any such estimates, returns or information are to be furnished; but no person shall be compelled for such purpose to produce any documents which he could not be compelled to produce in civil proceedings before a court or in complying with any requirement for the furnishing of information, or to give any information which he could not be compelled to give in evidence in such proceedings.

(2) A person who refuses or, without reasonable excuse, fails to do anything duly required of him by a notice under subsection (1) above commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) Any person who

- (a) intentionally alters, suppresses or destroys any document which he has been required by a notice under this section to produce; or

- (b) in furnishing any estimate, return or other information required of him under any such notice, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular;

commits an offence.

- (4) A person guilty of an offence under subsection (3) above shall be liable

- (a) on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment;
- (b) on conviction on indictment, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

- (5) Where a person makes default in complying with a notice under subsection (1) above, the court may, on the application of the P.U.C., make such order as the court thinks fit for requiring the default to be made good; and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officer of a company or other association who is responsible for such default.

- (6) In this section,

“court” means the Magistrate’s court;

“relevant purpose” means any purpose connected with the exercise of the P.U.C.’s functions under this Act.

12. (1) The Minister may, as soon as practicable after the appointed day, establish advisory bodies for matters affecting Belize in water and sewerage matters; and each body so established shall consist of such members as the Minister may from time to time appoint.
- (2) In establishing a body under subsection (1) above, the Minister shall have regard to the desirability of having members who have the expertise and knowledge of the particular area (including, in particular, the special requirements and circumstances of consumers, purchasers and other users in part, of water and sewage services and waterworks).
- (3) It shall be the duty of an advisory body established under this section to advise the Minister on any matter
- (a) in respect of which any of the P.U.C.'s functions is exercisable;
 - (b) which is referred to it by the Minister; and
 - (c) relating to the administration of this Act.
- (4) The Minister may defray or contribute towards the expenses of an advisory body established under this section.
13. (1) Where powers are conferred upon the P.U.C. under this Act to make Regulations or any other form of subsidiary legislation subject to the approval of the Minister, the P.U.C. shall not submit such Regulations or other form of subsidiary legislation to the Minister for approval without first circulating for comments the final draft copy of such Regulations

Power to
establish
advisory
bodies.

Proceedings
before the
P.U.C.

or other subsidiary legislation to any interested person or body, and without genuinely consulting with such person or body and taking into account the views and comments of such person or body.

(2) Where powers are conferred upon the P.U.C. under this Act to make Regulations or any other form of subsidiary legislation, and where provision is made that such Regulations or subsidiary legislation shall, after signature by the P.U.C., come into force upon publication in the *Gazette*, the P.U.C. shall not cause such Regulations or subsidiary legislation to be published in the *Gazette* without first circulating for comments the final draft copies thereof to any interested person or body, and without genuinely consulting with such person or body and taking the views and comments of such person or body into account:

Provided that the P.U.C. after consulting any interested person or body under this subsection or subsection (1) above, shall not be obliged to follow the views or comments of such person or body if it deems it suitable to do so having regard to such views or comments.

(3) Where powers are conferred upon the P.U.C. under this Act or any subsidiary legislation made thereunder to make any Orders or decisions, or to give or issue any directives to any person, the P.U.C. shall not make such Orders or decisions, or give or issue such directives without first giving notice to, and inviting comments from, any person or body who may be interested or affected by such Orders, decisions or directives.

(4) The notice referred to in subsection (3) above shall be published by the P.U.C. through such medium

as is likely to reach the largest number of persons in Belize, and shall additionally specify

- (a) the last date on which comments should be received by the P.U.C.; and
- (b) the date on which a public hearing will be held, if interested persons or bodies so request.

(5) The P.U.C. may make an order or a decision, or give a directive without holding a public hearing where no interested party or body has requested a public hearing pursuant to subsection (4) above, or where the reasons stated for the request for a public hearing in any comments received from interested persons pursuant to subsection (4) (a) above are, in the opinion of the P.U.C., frivolous and vexatious.

PART III

NATIONAL POLICY AND LICENSING OF SUPPLY, ETC.

14. (1) It is hereby declared to be the policy of the Government to see to the orderly and coordinated development and use of Belize's water resources, to conserve, and protect such resources for the benefit of present and future generations of Belizeans, and to provide the Belizean public with a safe, adequate and reliable supply of water and with dependable public sewerage services.

Statement of
policy.

(2) The Minister with responsibility for Natural Resources shall, in keeping with the requirements of subsection (1) above, promote a national policy for water in Belize and shall so discharge his functions with respect to the provision of water supplies and

the conservation and proper use of water resources including the preservation and protection of gathering grounds so as to secure the effective execution of that policy by the bodies responsible therefor.

(3) The Minister shall in keeping with the requirements of subsection (1) above, discharge his functions with respect to the provision of water supplies and the augmentation, distribution and proper use of water resources, and the sewerage and treatment and disposal of sewage and other effluents discharged into a sewerage system so as to secure the effective execution of that policy by the bodies responsible therefor.

(4) The Minister, with assistance from the P.U.C. shall collate and publish information from which assessments can be made of the actual and prospective demand for water, and of actual and prospective resources in Belize.

Licenses
authorising
supply.

15. (1) Subject to any exclusive licence granted to any person for any service area, the P.U.C. may grant a licence authorising any person or entity.

(a) to provide an adequate water service and any other service or facilities deemed incidental or appropriate thereto to any area of Belize;

(b) to provide the service of removal of sewage by means of the sewerage system or any part thereof, including services incidental thereto to any area of Belize.

(2) Subject to any exclusive licence granted to any person for any service area, the P.U.C. may

- (a) grant a licence authorising any person to supply water to any premises specified or of a description specified in the licence; or
- (b) extend such a licence by adding to the premises or description of premises specified in the licence.

(3) An application for a licence or extension of same shall be made in the prescribed manner and shall be accompanied by such fee if any, as may be prescribed; and within fourteen (14) days after the making of such an application, the applicant shall publish a notice of the application in the prescribed manner.

(4) Before granting a licence under this section, the P.U.C. shall give notice —

- (a) stating that it proposes to grant the licence;
- (b) stating the reasons why it proposes to grant the licence; and
- (c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed licence may be made;

and shall consider any representations or objections which are duly made and not withdrawn.

(5) A notice under subsection (4) above shall be given by publishing the notice in such manner as the P.U.C. considers appropriate for bringing it to the attention of persons likely to be affected by the grant of the licence.

(6) A licence shall be in writing and, unless previously revoked in accordance with any term contained in the licence, shall continue in force for such period as may be specified in or determined by or under the licence.

(7) A licence issued under this section may include a condition that the licensee shall transfer the licence and some of its property and assets related to the business of supplying water or sewerage services, to another licensee, upon the happening of certain events or under specified circumstances, at the book value of such property or some other price agreed upon by prior negotiation.

**Prohibition on
unlicensed
supply, etc.**

16. (1) Any person who supplies water or sewerage services for the purpose of giving a supply to any premises or enabling a supply to be given, commits an offence, unless that person is authorised to do so under a licence issued in accordance with the provisions of this Act.

(2) A person guilty of an offence under this section shall be liable—

(a) on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment;

(b) on conviction on indictment, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(3) Proceedings for an offence under this section may be instituted by or on behalf of the P.U.C.

17. A licence granted under this Part shall be in writing, stamped with the official seal of the P.U.C. and, unless previously revoked in accordance with any term in that behalf contained in the licence, shall continue in force for such period as may be specified in or determined by or under the licence.

Stamping and
duration of
licence.

18. (1) A licence may include —

Conditions of
licences:
general.

- (a) such conditions (whether or not relating to the activities authorised by the licence) as appear to the P.U.C. to be requisite or expedient having regard to the duties imposed by section 6 above; and
- (b) conditions requiring the rendering to the relevant authority of a payment on the grant of the licence, or payments during the currency of the licence, or both, of such amount or amounts as may be determined by or under the licence.

(2) Without prejudice to the generality of paragraph (a) of subsection (1) above, conditions included in a licence by virtue of that paragraph —

- (a) may require the licensee to enter into agreements with other persons for the use of any pipe lines and any waterworks of his (wherever situated and whether or not used for the purpose of carrying on the activities authorised by the licence) for such purposes as may be specified in the conditions;
- (b) and may include provision for determining the terms on which such agreements are to be entered into.

(3) Conditions included in a licence by virtue of subsection (1) (a) above may require the licensee

- (a) to comply with any direction given by the P.U.C. as to such matters as are specified in the licence or are of a description so specified;
- (b) except in so far as the P.U.C. consents to his doing or not doing them, not to do or to do such things as are specified in the licence or are of a description so specified;
- (c) to refer for approval by the P.U.C. such things falling to be done under the licence, and such contracts or agreements made before the grant of the licence, as are specified in the licence or are of a description so specified.

(4) Conditions included in a licence by virtue of subsection (1) (a) above may—

- (a) instead of specifying or describing any contracts or agreements to which they apply, refer to contracts or agreements designated (whether before or after the imposition of the conditions) by the P.U.C.; and
- (b) instead of containing any provisions which fall to be made, refer to provisions set out in documents so designated and direct that those provisions shall have such effect as may be specified in the conditions.

(5) Conditions included in a licence may contain provision for the conditions to cease to have effect or be modified at such times, in such manner and in

such circumstances as may be specified in or determined by or under the conditions.

(6) Any provision included by virtue of subsection (5) above in a licence shall have effect in addition to the provision made by this Part with respect to the modification of the conditions of a licence.

(7) Any sums received by the Government in consequence of the provisions of any condition of a licence shall be paid into the Consolidated Revenue Fund.

19. (1) Subject to the following provisions of this section, the P.U.C may modify the conditions of a licence if the licensee consents to the modifications.

**Modification
of licences by
agreement.**

(2) Before making modifications under this section, the P.U.C. shall give notice —

(a) stating that it proposes to make the modifications and setting out their effect;

(b) stating the reasons why it proposes to make the modifications; and

(c) specifying the period (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed modifications may be made;

and shall consider any representations or objections which are duly made and not withdrawn.

(3) A notice under subsection (2) above shall be given —

- (a) by publishing the notice in such manner as the P.U.C. considers appropriate for the purpose of bringing the notice to the attention of persons likely to be affected by the making of the modifications; and
- (b) by serving a copy of the notice on the licensee.

Securing
compliance
with licence.

20. (1) Where the P.U.C. is satisfied that a licensee is contravening or has contravened and is likely again to contravene any of the conditions of his licence, the P.U.C. may by Order make such provisions as are requisite for the purpose of securing compliance with that condition or conditions.

(2) In determining the extent of the Order to be made, the P.U.C. in consultation with the Minister, shall consider in particular the extent to which every person is likely to sustain loss or damage in consequence of anything which, in contravention of the relevant condition, is likely to be done, or omitted to be done.

(3) An Order made under subsection (1) above —

- (a) shall require the licensee (according to the circumstances of the case) to do, or not to do, such things as are specified in the Order;
- (b) shall take effect at such time, being the earliest practicable time, as is determined by or under that Order; and
- (c) may be revoked at any time by the P.U.C.

(4) In this section, “contravention” in relation to any condition of a licence includes any failure to

comply with that condition and "contravene" shall be construed accordingly.

(5) Nothing in this section shall supersede the authority of the P.U.C. to cancel a licence under section 22 below.

21. (1) The P.U.C. shall keep a register of licences granted under section 15 above and any orders, at such premises and in such form as it may determine.

Keeping of
register.

(2) The P.U.C. shall cause to be entered in the register the provisions of —

(a) every licence granted under section 15 above and every modification or revocation of, and every direction or consent given, or determination made under, such a licence; and

(b) every Order and every revocation of such an Order.

(3) The register shall be open to public inspection during such hours and subject to payment of such fees as may be prescribed by an Order made by the P.U.C.

(4) Any person may, on payment of such fee as may be prescribed by an Order so made, require the P.U.C. to supply to him a copy of or extract from any part of the register, certified by the P.U.C. to be a true copy or extract.

(5) Any sums received under this section shall be paid into the Consolidated Revenue Fund.

22. (1) Any licence, permit, permission or consent granted under this Act may at any time be cancelled or withdrawn by the authority that granted such licence,

Cancellation
of licence.

permit, permission or consent, or suspended by same for such period, not exceeding twelve months as shall be specified, in the event of any contravention by the licensee or the person to whom the permit, permission or consent was granted, as the case may be, under the provisions of this Act.

(2) Where any licence, permit, permission or consent granted under this Act is cancelled, withdrawn or suspended, no part of any fee or other sum paid in respect thereof shall be refunded.

(3) Where the Commission cancels, withdraws, or suspends a licence, the licensee shall have the right to appeal to the Supreme Court on a question of law, as provided for in section 33 of the Public Utilities Commission Act.

No. 39 of 1999.

**Charging of
tariffs by
licensees.**

23. (1) A licensee may charge its customers or users of its service such fees for distribution and supply, installations, rentals, removals and all other matters chargeable in connection with the provision of those services as may from time to time be approved by the P.U.C.:

Provided that such fees as are referred to in this subsection which were in force immediately before the commencement of this Act shall continue in force and shall be levied by such licensee until replaced by fees prescribed under this Act.

(2) In approving the fees referred to in subsection (1) above, the P.U.C. shall observe the process and apply the basis and the methodology for approving fees prescribed in applicable byelaws.

(3) Upon approval, such fees shall be published for the information of the licensee's consumers, customers

and users of its services, and for general public information, in such manner as may be prescribed in applicable byelaws.

PART IV

FUNCTIONS, POWERS AND DUTIES OF LICENSEES

CHAPTER I

GENERAL DUTIES

24. (1) It shall be the duty of all licensees to
- (a) develop and maintain an efficient, coordinated and economical system of water supply or sewerage services or both as the case may be;
 - (b) facilitate competition in the supply of water and sewerage services;
 - (c) carry out the policy of the Government in relation to the provision of water supply and sewerage services;
 - (d) maintain and develop any waterworks or other property relating thereto which may be transferred to a licensee under this Act;
 - (e) provide a safe, adequate and reliable supply of water or sewerage services as the case may be;
 - (f) provide supplies of water and sewerage services to premises and make such supplies available;

General
functions of
licensees.

- (g) maintain, improve and extend any water mains and other pipes as are necessary for securing that a licensee is and continues to be able to meet its obligations under this Act;
- (h) provide, improve and extend such system of public sewers (whether inside its area or elsewhere) and so to cleanse and maintain those sewers as to ensure that that area is and continues to be effectually drained; and
- (i) make provision for the emptying of those sewers and such further provision (whether inside his area or elsewhere) as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers.

(2) A licensee shall conduct his business in a manner which is reasonably considered to be best calculated to achieve quality of service standards, as may be prescribed by regulations, and shall pay the penalties for non-observance or failure to meet such standards, in accordance with byelaws, decisions or Orders which may from time to time be made under this Act in respect thereto.

(3) The P.U.C. may, after consultation with the Minister, by regulations, prescribe such standards of performance in connection with the provision of supplies of water as, in its opinion, ought to be achieved by licensees.

(4) Regulations under subsection (3) above may provide that if a licensee fails to meet a prescribed standard he shall pay such amount as may be

prescribed, to any person who is affected by such failure and is of a prescribed description.

(5) Without prejudice to the generality of the power conferred by subsection (3) above, regulations under that subsection may —

- (a) include in a standard of performance, a requirement for a licensee, in prescribed circumstances, to inform a person of his rights by virtue of any such regulations;
- (b) provide for any dispute under the regulations to be referred by either party to the dispute, to the P.U.C.;
- (c) make provision for the procedure to be followed in connection with any such reference and for the P.U.C.'s determination on such a reference to be enforceable in such manner as may be prescribed;
- (d) prescribe circumstances in which a licensee is to be exempted from any requirements of the regulations.

25. It shall be the duty of every licensee in formulating or considering any proposals relating to any functions under his licence to:

**General
environmental
duty.**

- (a) exercise any power conferred with respect to the proposals subject to the requirement as to further the conservation and enhancement of natural beauty and the conservation of flora, fauna and geological or physiographical features of special interest;

- (b) have regard to the desirability of protecting and conserving buildings, sites and objects of archaeological, architectural or historic interest; and
- (c) take into account any effect which the proposals would have on the beauty or amenity of any rural or urban area or on any such flora, fauna, features, buildings, sites or objects.

**Water
conservation.**

26. (1) A licensee shall, in consultation with the Minister and the Ministries having responsibility for Agriculture, Forestry, National Parks and Lands, and any other relevant ministries or departments take such action as may be necessary or expedient for the purpose of conserving, redistributing or otherwise augmenting any water resources in Belize.
- (2) Without prejudice to the generality of subsection (1) above, a licensee shall
- (a) prepare and thereafter keep under review a hydrometric scheme for obtaining, recording and analysing particulars of rainfall, evaporation of water and the flow level or volume of inland waters;
 - (b) carry out periodical surveys of water consumption patterns in Belize and prepare reports thereon;
 - (c) prepare estimates of the future demand for the use of water;
 - (d) prepare plans for the purpose of securing the more efficient management of water in Belize, including the meeting of future demands for water and the use of water;

- (e) carry out such engineering or other operations as it considers necessary or expedient for the purpose of implementing any plan prepared under paragraph (d) above.

(3) In implementing the provisions of subsection (2) above, a licensee shall consult the Minister, the Ministries having responsibility for Finance and Planning and any other ministry, municipal or statutory authority likely to be affected and shall send to the Minister, the Ministries having responsibility for Finance and Planning and to any other ministry, municipal or statutory authority likely to be affected, a copy of any report prepared by the licensee in consequence of any survey or plan under this section.

CHAPTER II

GATHERING GROUNDS

27. (1) All existing gathering grounds shall either

Gathering
grounds.

- (a) be retained as forest reserves or national parks, as the case may be, in accordance with the provisions of the Forests Act and the National Parks System Act; or

CAP. 176.
CAP. 181A.

- (b) be declared to be controlled areas under section 58 of this Act, by the Minister having responsibility for forests, after consultation with any relevant entity likely to be affected.

(2) The area of any additional gathering ground which is considered necessary by a licensee in the pursuit of its statutory purpose shall either —

- (a) be declared a forest reserve or national park, as the case may be, in accordance with the provisions of the Forests Act; or
- (b) be declared to be a controlled area under section 58 of this Act, on the request of the licensee.

(3) Whenever the Minister decides, upon representation being made by the licensee under subsection (2) above, that an additional gathering ground is required for the purposes of extending or augmenting the water supply, the licensee shall cause the limits or areas thereof to be marked out and the Minister shall, by notice in the *Gazette* publish the boundaries thereof and thereafter no land shall be granted, devised or otherwise disposed of within such limits or area except in keeping with such conditions as may be laid down by the Minister.

(4) A licence granted under this Act shall apply not only to existing gathering grounds under subsection (1) above but to any additional gathering ground under subsection (2) above.

**Protection of
gathering
grounds from
deforestation
and animals.**

28. If it appears to a licensee that by reason of deforestation or the presence of animals, the storage capacity or sanitation of any gathering ground is seriously threatened, he shall without prejudice to any other powers under this Act or any Regulations made hereunder —

- (a) request the Ministry responsible for Forestry to take appropriate action under the Forests Act and the National Parks System Act to prevent or regulate the threat to the gathering ground, if the gathering ground has been retained or declared a

forest reserve or a national park, as the case may be;

- (b) request the Ministry of Health to take appropriate action under the Public Health Act to prevent or regulate the threat to the gathering ground, if the gathering ground has been declared a controlled area; or

CAP. 31.

- (c) in default of action being promptly taken under paragraphs (a) or (b) above, restrain or impound such animals as are a threat to the storage capacity or sanitation of any gathering ground and promptly inform the Belize Police Department.

29. (1) If it appears to the licensee that it is necessary for the purpose of protecting the storage capacity or sanitation in any gathering ground, he may request in writing that the Minister by Regulations

Protection of defined area around gathering ground.

- (a) define an area around a gathering ground he considers in need of protection; and

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

(2) Upon a request being made under subsection (1) above, the Minister may make Regulations as he considers necessary, and such Regulations may contain different provisions for different parts of the defined area.

(3) Without prejudice to the generality of subsection (1) (b) above, the acts prohibited or regulated by Regulations made by the Minister under this section may include

- (a) the placing, deposit or discharge within the area of material of any kind that is likely to impair the quality or significantly reduce the quantity of the water or the storage capacity of the gathering ground;
 - (b) such other acts or omissions as may be considered likely to impair the quality or significantly reduce the quantity of the water or the storage capacity of the gathering ground.
- (4) In exercising his functions under this section, the Minister shall consult with and make suitable recommendation to the Minister responsible for forests or natural resources, as the case may be.

CHAPTER III

POWER WITH RESPECT TO WATER SUPPLY AND SEWERAGE

Water supply.

30. (1) A licensee shall, so far as is reasonably practicable, provide in accordance with the provisions of this Act, and any Regulations and byelaws made hereunder, and the terms of the licence, a supply of potable water for domestic purposes and a potable or otherwise satisfactory supply for agricultural, industrial or commercial purposes.

(2) In particular, and without prejudice to the generality of subsection (1) above, a licensee shall

- (a) prepare schemes for the development of water resources and for the provision of water supplies and also construct, operate and maintain such schemes;

- (b) keep under constant review the quality, reliability and availability of water supplies and keep the Minister and the P.U.C. informed thereon;
- (c) control and regulate the production, treatment, storage, transmission, distribution and use of water for public water supply purposes;
- (d) design, construct, acquire, operate and maintain waterworks for the purpose of supplying water for public purposes;
- (e) disseminate information and advice with respect to the management, collection, production, transmission, treatment, storage, supply and distribution of water.

(3) It shall be the duty of a licensee in relation to any premises, to provide to those premises such a supply of water as mentioned in subsection (1) of this section, and to maintain the connection between the licensee's water main and the service pipe by which that supply is provided to those premises.

(4) A duty imposed on a licensee under this section

- (a) to provide a supply of water to any premises;
or
- (b) to maintain a connection between a water main and a service pipe by which such a supply is provided,

shall be owed to the consumer.

(5) Where a duty is owed by virtue of this section to any person, any breach of that duty which causes

that person to sustain loss or damage shall be actionable at the suit of that person; but, in any proceedings brought against a licensee in pursuance of this subsection, it shall be a defence for the licensee to show that he took all reasonable steps and exercised all due diligence to avoid the breach.

Connection of
lands to water
supply.

31. (1) Whenever it becomes possible to provide a water supply to any land from works acquired or constructed under this Act, the P.U.C. may by notice in the *Gazette* and one local newspaper with circulation throughout Belize, declare the works to be effective in that area.
- (2) On and from the date of declaring such works to be effective
- (a) the owner of any land in the area is liable to such rates or charges as may be prescribed, whether or not the land
 - (i) is connected to the works, or
 - (ii) is occupied;
 - (b) the P.U.C. may, by notice in writing, require any owner of land in the area to connect that land to the works in the manner prescribed and within such time as is specified in the notice;
 - (c) the licensee may, on his own initiative or on an application in the prescribed manner and form by an owner of land or his agent, agree to connect the land to the works on such terms and in such manner as is prescribed.

(3) Any person who, having been served with a notice under subsection (2) (b) above and who fails to comply with it commits an offence under this Act.

(4) Where an owner fails to comply with a notice within one month of the time specified in the notice or such further time as the P.U.C. may allow, the licensee may undertake the work and recover the cost from the owner.

(5) Where the owner of any land fails to undertake work required of him under this section, the occupier of that land may, with the approval of the licensee, execute the work and may deduct the cost thereof, with interest at the rate of ten per cent per annum until repayment is made from any rent due or becoming due from him to that owner or may recover the same from the owner.

32. (1) Where the Minister is satisfied that by reason of an exceptional shortage of rain, or contamination of water sources or watercourses, a serious deficiency of water supply exists or is threatened, then he shall by Regulations and after consultation with the licensee and the P.U.C. (and the Department of the Environment, in the case of contamination of water sources or watercourses) and subject to the provisions of this section, make such provision as appears to him to be expedient, with a view to meeting such deficiency.

**Powers of
Minister in
water-related
emergencies.**

(2) Without prejudice to the generality of subsection (1) above, Regulations made under this section may include provisions authorising the licensee to

(a) take water from any source specified in the Regulations;

- (b) prohibit or limit the use of water for any purpose;
- (c) prohibit or limit the taking by any person of water from a source specified in the Regulations if the Minister is satisfied that the taking of water from that source seriously affects the supplies available to the licensee;
- (d) supply water by means of standpipes or water tanks, and to erect or set up and maintain standpipes or water tanks in any street.

(3) The Minister shall give reasonable public notice of the making of any Regulations under subsection (1) above; and the licensee shall be liable to pay compensation to any person who suffers damage by reason of anything done or omitted by the licensee in pursuance of such Regulations.

(4) Regulations made under subsection (1) above shall remain in force no longer than is necessary to meet the deficiency or impending deficiency but shall be revoked as soon as practicable after the deficiency or impending deficiency has been made good or removed.

Public
standpipes.

33. A licensee may in his discretion erect, maintain and supply with water, in such places within Belize as he thinks fit, public standpipes for the public use, and may, with the approval of the Minister when Government pays for the service or, of the relevant municipal authority when such municipal authority pays for the service, remove any such standpipe which in his opinion is no longer required.

34. (1) A licensee may procure and protect land on which it elects to construct, operate and maintain ground catchments for the supply of water.

Ground and rooftop catchments.

(2) A licensee may, at the request of the owner or occupier of any building or dwelling house, provide technical and financial assistance towards the installation of rooftop catchments on such building or dwelling house.

35. (1) Subject to section 30 of this Act, the monitor and control of the quality of the water supplied by a licensee shall be the responsibility of the Ministry charged with the subject of Health.

Ministry of Health to be responsible for quality of water supplied.

(2) A licensee shall obey and comply with all directives, instructions, regulations and standards set up by the Ministry responsible for Health for the quality of water, and any sanitary aspect of the waterworks shall be obeyed and complied with by the licensee.

(3) Any duly authorised officer of the Ministry responsible for Health may, on identifying himself to an officer of the licensee, enter the premises of a licensee or inspect any waterworks for the purpose of inspecting or taking samples of water to verify compliance under this section.

(4) Any person who hinders or obstructs any duly authorised officer of the Ministry responsible for Health from entering the premises or waterworks of any licensee under this section is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(5) In carrying out any of its functions under this section, the Ministry of Health shall comply with all

necessary and relevant international health and sanitation standards, including those standards set by the World Health Organisation.

Sewerage
system and
sewage
disposal.
No. 22 of 1992.

36. (1) A licensee shall, so far as is reasonably possible and where necessary, provide in accordance with the provisions of this Act, the Environmental Protection Act and any Regulations made hereunder, such public sewers as may be necessary and make such provision, by means of sewage disposal works, marine treatment or otherwise, as may be necessary for effectually dealing with the contents of the sewerage system.

CAP. 31.
No. 22 of 1992.

(2) In discharging its functions under this section, a licensee shall comply with the Public Health Act, the Environmental Protection Act and any Regulations made thereunder and with all relevant international health standards.

(3) In particular and without prejudice to the generality of the provisions of subsection (1) above, a licensee may

- (a) prepare schemes for sewage disposal services and construct, maintain and operate such schemes;
- (b) design, construct, acquire, operate and maintain sewage works for the purpose of receiving, treating and disposing of sewage;
- (c) control and regulate the disposal of sewage through the sewerage system;
- (d) by Regulations under this Act, control the installation, operation and maintenance of sewers and waste disposal systems which are not connected to the sewerage system.

37. The provisions of section 31 shall apply *mutatis mutandis* to the connection of lands to sewerage works as if any reference therein contained to water supply works were a reference to sewerage works.
38. The licensee shall render no free service, and the charges for services rendered to Government or to any municipal authority shall be deemed to be ordinary expenses of Government or the relevant municipal authority and shall be paid from appropriations made for such purposes. Such payments shall be made in accordance with provisions regulating the disbursement of public funds.
39. (1) The Government may, through the Minister having responsibility for lands, when and as often as land is required for the purposes of this Act, acquire under the provisions of the Land Acquisition (Public Purposes) Act any lands, and may exercise all powers under that Act in relation to any acquisition or intended acquisition of such lands.
- (2) The Minister having responsibility for lands may lease any lands so acquired to a licensee upon such terms and conditions as may be agreed between the parties.
- (3) Nothing herein contained shall prejudice the right of any person having an interest in any lands acquired as aforesaid under the provisions of the Land Acquisition Act; and compensation for any lands acquired under this section shall be determined in accordance with the provisions of the Land Acquisition Act save that the date at which the compensation is to be assessed is the date from which the declaration pursuant to section 3 of the said Act is published in the *Gazette* for the second time.

Connection of
lands to
sewerage
works.

Services of the
licensee to be
paid for.

Compulsory
acquisition
and vesting of
lands.

CAP. 150.

CAP. 150.

CAP. 150.

40. (1) Subject to subsection (3) of this section, any person duly authorised by a licensee may at any reasonable time
- (a) enter upon any land to inspect or survey it and to inspect any articles thereon for the purposes of determining whether, and if so in what manner any functions of a licensee are to be performed in relation to such land or articles thereon or whether any statutory provision relating to any such function is being or has been complied with;
 - (b) enter upon any land for the purposes of performing any function of the licensee whether in relation to the land or not;
 - (c) enter any land or building —
 - (i) to inspect the same for the purpose of investigating any defect in the water or sewerage system and of correcting any deficiency or problem in the respective systems,
 - (ii) to ascertain the practicability or expediency of performing any function or exercising any power under this Act,
 - (iii) to do all such other things as may be incidental to or necessary for the purposes of this Act;

without being subject or liable to any action, suit or proceedings, fine, penalty or punishment for or in respect of any such entry upon such land or building.

(2) A person authorised under subsection (1) of this section to enter any land or building may take with him to the land or building in question such other persons and such equipment as may be necessary; and such other persons are not subject or liable to any action, suit or proceedings, fine, penalty or punishment for or in respect of any such entry upon such land or building.

(3) Before the exercise of any right of entry under this section, a licensee shall give reasonable notice in writing to the owner or occupier of the land or building in question except in an emergency when it shall be sufficient for notice to be given as soon as possible after the necessity for entry has arisen.

(4) Any equipment, property, apparatus or article which exists or is maintained in any building or on any land in contravention of the provisions of this Act or any Regulations made hereunder shall be deemed to be a public nuisance.

(5) In the event that the owner, agent, or occupier of any building or land where a nuisance exists, refuses to remove or abate such nuisance after notice in writing from a licensee is given to do so, the licensee may remove or abate the nuisance at the expense of the owner, agent or occupier.

(6) A licensee is not exempt from liability for nuisance or other injury done in exercising his powers to enter land, to the land or residence of any person other than the person whose land is entered.

CHAPTER IV

GENERAL POWERS AND COMPENSATION

General
powers.

41. (1) Subject to the provisions of this Act, a licensee may do anything that in his opinion is calculated to facilitate, or is conducive or incidental to, the discharge of any of his functions.
- (2) Without prejudice to the generality of subsection (1) above, a licensee may
- (a) enter upon any land and construct or operate any works whatsoever for the supply of water, the provision of sewerage services and the disposal or treatment of waste;
 - (b) enter upon any land for the purpose of –
 - (i) reading, removing or repairing a meter,
 - (ii) inspecting any tank or septic system,
 - (iii) inspecting any works, installations or appliances or taking any samples or making any tests to find out whether this Part of the Act is complied with;
 - (c) divert or impound water from a source located inside any gathering ground under section 27;
 - (d) break open any street for the purpose of laying any water main or pipe or sewer therein or of repairing or removing any such main, pipe or sewer.

(3) Before exercising any rights under this section, a licensee shall—

- (a) give reasonable notice to the owner or occupier of any land which may be affected;
- (b) in the case of the breaking open of any street, give reasonable notice to the authority responsible therefor and any public utility whose apparatus may be affected thereby;

except in an emergency when it is sufficient for notice to be given as soon as possible after the necessity for exercising those rights has arisen:

Provided that where a licensee breaks open any street or carries out any other works which may cause damage, the licensee shall make good the loss caused by any such damage.

(4) A licensee shall cause a light sufficient for the warning of vehicles and pedestrians to be set up and maintained at night on the portion of the street so opened and broken up until the street has been reinstated and made good to the satisfaction of the relevant authority.

(5) During such time as the street shall be opened and broken up, a licensee shall provide, to the satisfaction of the relevant authority, reasonable facilities for the passage of ordinary vehicular and pedestrian traffic on the street.

(6) A licensee shall pay the costs of reinstating and making good the street to the satisfaction of the relevant authority.

(7) A licensee shall not place any water pipe, water main, waterworks or post, pole, pillar or other works in any position objected to by the relevant authority and, in the event of any such objection, the licensee shall refer the matter to the Minister whose decision thereon shall be final.

(8) In this section, "relevant authority" means, in the case of a street falling within the limits of a city or town, the local authority concerned, and in the case in any other street, the Ministry of Works.

(9) Any person who hinders or obstructs a licensee or any person duly authorised by a licensee from entering land under this section or any land or building under section 40 is liable on summary conviction to a fine of five hundred dollars.

Duty to take care.

42. (1) A licensee shall do as little damage as possible in the exercise of the powers conferred under section 41 above and shall make compensation for any damage done in the exercise of those powers.

(2) A licensee shall exercise the powers conferred under section 41 above in such manner as will secure that nothing which he installs or keeps installed under, over, in, on, along or across any street becomes a source of danger to the public.

Power to execute works, etc., on land.

43. (1) A licensee may execute water and sewerage works as may be necessary in, over or upon any land subject to:

(a) in the case of Government land, to the consent in writing of the Commissioner of Lands or an officer of the Lands Department appointed by the Commissioner of Lands for the purposes of this section;

- (b) in the case of any other land, after giving reasonable notice in that behalf to the owner or occupier thereof.

(2) In the exercise of the powers conferred under this section, a licensee shall not be deemed to acquire any right other than that of user only in or over the soil of any enclosed and other land whatsoever in, over or upon which it places any of its works; and should any of the works so carried on, over or upon any such land, become a nuisance or cause of loss to the owner of such land, the licensee shall at his own expense, remove or alter such work or shall give such reasonable compensation as is provided under subsection (3) of this section.

(3) In the exercise of the powers conferred under this section, a licensee shall do as little damage as possible and full compensation shall be paid by the licensee to any owner or occupier, or other person having a lawful interest in the land, who suffers damage as a result of the exercise of those powers:

Provided that, subject to section 17 of the Belize Constitution, no compensation shall be payable in respect of any right or user acquired under subsection (2) of this section.

44. (1) A licensee may execute works in pursuance of section 41 or section 43 above, notwithstanding that they involve a temporary or permanent alteration of any of the following, namely —

Alteration of works.

- (a) any water main or pipe line under the control of another licensee;
- (b) any gas pipe under the control of a public gas supplier;

- (c) any water main or pipe line under the control of a person lawfully supplying water;
- (d) any telecommunication apparatus used for the purpose of a telecommunication system which is operated by a person to whom the Telecommunications Act applies;
- (e) any electrical supply line, post or works.

(2) Where a licensee is proposing to execute works which involve or are likely to involve any such alteration as is mentioned in subsection (1)(a) to (c) of this section, the following subsections of this section shall apply; and in those provisions "the relevant undertaker" means the other licensee, the public gas supplier or the person lawfully supplying water in the exercise of statutory powers, as the case may be.

(3) A licensee shall, not less than one month before the works are commenced, give the relevant undertaker a notice specifying the nature of the licensee's works, the alteration or likely alteration involved and the time and place at which the works will be commenced.

(4) Subsection (3) above shall not apply in relation to any emergency works of which the licensee gives the relevant undertaker notice as soon as practicable after commencing the works.

(5) Where a notice has been given under subsection (3) above by the licensee to the relevant undertaker, the undertaker may, within the period of seven days beginning with the giving of the notice, give the licensee a counter-notice which may state either

- (a) that the undertaker intends himself to make any alteration made necessary or expedient by the licensee's proposed works; or

- (b) that he requires the licensee in making any such alterations to do so under the supervision and to the satisfaction of the undertaker.

(6) Where a counter-notice given under subsection (5) above states that the relevant undertaker intends himself to make any alterations-

- (a) the undertaker shall [subject to subsection (8) below] have the right, instead of the licensee, to execute any works for the purpose of making that alteration; and
- (b) any expenses incurred by the undertaker in or in connection with the execution of those works and the amount of any loss or damage sustained by the undertaker in consequence of the alteration shall be recoverable by the undertaker from the licensee in any court of competent jurisdiction.

(7) Where a counter-notice given under subsection (5) above states that any alteration is to be made under the supervision and to the satisfaction of the relevant undertaker

- (a) the licensee shall not make the alteration except as required by the notice or under subsection (8) below; and
- (b) any expenses incurred by the undertaker in or in connection with the provisions of that supervision and the amount of any loss or damage sustained by the undertaker in consequence of the alteration shall be recoverable by the undertaker from the

licensee in any court of competent jurisdiction.

(8) Where

- (a) no counter-notice is given under subsection (5) above; or
- (b) the relevant undertaker, having given a counter-notice falling within that subsection, fails to make any alteration made necessary or expedient by the licensee's proposed works within such period (being not less than 48 hours) as the licensee may by notice specify or, as the case may be, unreasonably fails to provide the required supervision;

the licensee may himself execute works for the purpose of making the alteration or, as the case may be, may execute such works without the supervision of the undertaker; but in either case, the licensee shall execute the works to the satisfaction of the undertaker.

(9) Where the licensee or any of his agents —

- (a) executes any works without the notice required under subsection (3) above having been given; or
- (b) unreasonably fails to comply with any reasonable requirement of the relevant undertaker under this paragraph;

he commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

45. Where any dispute arises as to

**Dispute as to
compensation.**

- (a) whether any compensation is payable under subsection (2) or (3) of section 43 above;
- (b) the amount of any such compensation; or
- (c) the person to whom such compensation is payable;

the dispute shall be referred for determination by a fit and proper person as arbitrator to be agreed upon by the parties, or failing such agreement by the parties, by arbitration in accordance with the provisions of the Arbitration Act:

CAP. 69.

Provided that where an interest in land is acquired under the Land Acquisition (Promoters) Act, any dispute referred to in this section shall be determined under that Act as may be appropriate, and in every such case, Government's nominee on the Board of Assessment shall be approved by the licensee.

CAP. 149.

46. (1) Nothing in the provisions of this Act shall prejudice the right to compensation of any person who has an interest in or right over any land or property that is within the limits or area specified by Notice, Order or Regulations, as the case may be, under sections 27(3), 29, 58 or 70.

**Payment of
compensation.**

(2) Where any person who has an interest in or right over any land or property referred to under subsection (1) above, claims that he ought to be pecuniarily compensated in relation to the curtailment or abrogation of such interest or right, he shall within three months of the Notice, Order or Regulations, as the case may be, lodge at the Ministry a statement of his claim with full particulars of his estimated loss.

(3) On a claim being lodged under subsection (2) above, the Minister shall appoint a Board of Assessment (hereinafter referred to as "the Board"), which in every case must be constituted of —

(a) a Judge of the Supreme Court, who shall be Chairman;

(b) such person as the claimant may nominate; and

(c) such other person as the Minister may nominate, but the person so nominated shall not be a public officer or a member or employee of the licensee.

(4) The Board shall hear a claimant, consider his claim and make recommendations to the Minister.

(5) Where the Board is not satisfied that the owner can be adequately compensated by the granting of permits, licences or by the making of appropriate regulations, it shall recommend a sum of money to be paid as compensation and the Minister may instruct the Accountant General to pay such sum of money from the Consolidated Revenue Fund as compensation to the person.

(6) Any person who is aggrieved by the decision of the Board may appeal to the Supreme Court for the determination of the matter.

(7) In the exercise of any functions or powers conferred upon him by this Act, a licensee shall cause as little damage and inconvenience to other persons as is reasonably practicable and a licensee shall reinstate any damage or pay compensation to any person who suffers damage to his property in consequence of the exercise of such powers of the licensee.

(8) All losses, damages or injuries caused through the fault or neglect of a licensee, his officers, agents or contractors either in the construction, operation or maintenance of the works contemplated by this Act to any property shall be borne by the licensee.

(9) A licensee shall be answerable for all damages and injuries caused through the fault or neglect of his or of any person in his employment, by reason of or in consequence of the exercise of any of his functions or powers and shall save harmless all authorities, companies, bodies or persons by whom any street or road is repairable from all damage and costs in respect of those damages and injuries.

47. (1) Where any person desires to use land in a way that makes it necessary to remove to another part of the land any water pipe or waterworks maintained by a licensee in, over or upon the land under section 43 or alter such water line or waterworks in any way, he may by notice in writing served on the licensee require the removal or alteration of the water line or waterwork or, post, pole, pillar, or other works as the case may be.

**Removal, etc.
of line or
posts, where
necessary to
use land.**

(2) Any expenses incurred by a licensee in complying with a requirement under subsection (1) above may be recovered from the person who made the requirement.

48. (1) Subject to subsection (2) below, a licensee who installs or alters, or changes the mode of operation of, any water line or waterworks shall take all reasonable precautions for securing that the operation of that line or works does not interfere with the operation of any telecommunication or electrical apparatus or installation which is —

**Protection
from
interference.**

- (a) under the control of a person to whom the Telecommunications Act and Electricity Act applies; and
- (b) not unusually sensitive to interference with its operation.

(2) In the case of any telecommunication apparatus which is subsequently installed or altered or whose mode of operation is subsequently changed, the duty imposed by subsection (1) above shall not apply in relation to —

- (a) any momentary interference with its operation; or
- (b) where it is installed in unreasonably close proximity to any water line or waterworks, any other interference with its operation.

(3) Subsections (1) and (2) above shall be read as also applying in the converse case of a person to whom the Telecommunications Act and the Electricity Act apply and who installs or alters, or changes the mode of operation of any telecommunication or electrical apparatus or installation, and in such a case shall have effect as if —

- (a) any reference to the licensee were a reference to that person;
- (b) any reference to a water line or waterworks were a reference to such apparatus; and
- (c) any reference to such apparatus under the control of a person to whom that Act applies were a reference to such a line or such plant under the control of a licensee.

(4) Any difference arising under this section between a licensee and a person to whom the Telecommunications Act applies shall be referred to arbitration by an arbitrator in accordance with the provisions of the Arbitration Act.

CAP. 186.

CAP. 69.

(5) In this section, "momentary interference" means any interference of momentary duration which is not a regular occurrence (whether caused by physical contact or otherwise).

49. (1) Subject to the following provisions of this paragraph and without prejudice to any other right of entry, a person authorised in writing by a licensee may, at any reasonable time enter upon and survey any land for the purpose of ascertaining whether the land would be suitable for use for any purpose connected with the carrying on of the activities which the licensee is authorised by his licence to carry on.

Entry on land
for purposes
of exploration.

(2) A person authorised to enter upon any land under this section shall not demand to do so as of right unless

(a) 14 days' notice of the intended entry has been given to the occupier; and

(b) if required to do so, he has produced evidence of his authority.

(3) The powers conferred by this paragraph shall not be exercisable in relation to land which is covered by a building or will be so covered on the assumption that any planning permission which is in force is acted on.

(4) The power to survey land conferred by this paragraph includes power to search and bore for the

purposes of ascertaining the nature of the subsoil; but works may not be carried out on the land for this purpose unless notice of the proposed works is included in the notice given under subsection (2) above.

(5) Where any person exercises any powers conferred by this section, the licensee by whom he was authorised to do so shall make good any damage done to the land in question.

(6) In this section, "building" includes any garden, yard, outhouses and appurtenances belonging to or usually enjoyed with a building.

Penalty for
obstruction.

50. (1) Any person who intentionally obstructs a person acting in the exercise of any power conferred by or under section 49 above shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Where in the exercise of any power conferred by or under section 49 above, any damage is caused to land or to movables, any person interested in the land or movables may recover compensation in respect of that damage from the licensee on whose behalf the power is exercised; and where in consequence of the exercise of such a power a person is disturbed in his enjoyment of any land or movables he may recover from that licensee compensation in respect of that disturbance.

(3) Any question of disputed compensation under subsection (2) above shall be referred to and determined in accordance with the provisions of the Arbitration Act.

CAP. 69.

51. (1) Any notice required to be given by a licensee or the P.U.C. to any person for the purpose of any provision of this Act shall be in a form approved by the Minister and considered adequate for indicating to that person-

- (a) the effect of the notice;
- (b) such provision of this Act as is relevant to the notice; and
- (c) the steps to be taken by that person.

(2) Any notice required to be given to any person for the purposes of any provision of this Act may be given to him either by delivering it to him or by leaving it at his proper address or by post; but a notice shall not be given by post unless it is sent by registered letter or by the recorded delivery service.

(3) Any notice required to be given under this Act may be given to an incorporated company or body by giving it to the secretary or clerk of the company or body.

(4) For the purposes of this section, the proper address of a person for service by post shall be-

- (a) if the person to whom the notice is to be given has furnished the person giving the notice with an address for service under this Act, that address;
- (b) in a case not falling under paragraph (a) above, where the person to whom the notice is to be given is an incorporated company or body, the registered or principal office of the company or body; and

- (c) in any other case, the last known address of the person to whom the notice is to be given.

(5) Where it is not practicable, for the purposes of giving any notice under this Act, after reasonable inquiries to ascertain the name and address of

- (a) the person who is for the purposes of any provision of this Act the occupier of any land; or

- (b) the owner of any interest in any land;

a notice may be given under this Act by addressing it to a person by the description of "occupier" of the land (describing it) or, as the case may be, "owner" of the interest (describing both the interest and the land) and by delivering it to some person on the land or, if there is no person on the land to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous object on the land.

(6) In any proceedings under this Act, a certificate purporting to be signed by the Minister and stating that a particular form of notice has been approved by him as mentioned in subsection (1) above shall be conclusive evidence of the matter certified.

Savings and
exclusions of
certain
remedies, etc.

52. (1) Except as provided under the preceding provisions of this Act, a licensee shall not be liable to compensate any person for, or be subject to any other liability in respect of any loss or damage caused by the lawful exercise of any right conferred on him by or under this Act.

(2) The ownership of any property shall not be affected by the fact that any waterworks is installed

in, or under, or affixed to any land by any person in exercise of a right conferred by or under this Act.

53. (1) Subject to the provisions of this section, references in this Act to water pipes or water lines installed in, under or over any land shall include references to water pipes or lines so installed before this Act comes into force.

**Application of
Act to existing
water supply.**

(2) Without prejudice to subsection (1) above, any water line, or waterworks lawfully installed before this Act comes into force which, if this Act had come into force could have been installed under section 43 of this Act shall [subject to subsection (6) below] be treated for the purposes of this Act as if it had been so installed, before this Act came into force.

(3) Any consent given (or deemed to have been given) for the purpose of any provision of the repealed Act before this Act comes into force shall –

(a) have effect after this Act comes into force as an agreement given for the purposes of this Act; and

(b) so have effect, to any extent that is necessary for ensuring that the same persons are bound under this Act as they were bound by the consent, as if it were an agreement to confer a right or, as the case may require, to bind any interest in land of the person who gave (or is deemed to have given) the consent.

(4) Where by virtue of subsection (3) above, any person is bound by any right, that right shall not be exercisable except on the same terms and subject to the same conditions as the right which, by virtue of the giving of the consent, was exercisable before this Act came into force; and where under any enactment

repealed by this Act those terms and conditions included a requirement for the payment of compensation or required the determination of any matter by any court or person, the amount of the compensation or, as the case may be, that matter shall be determined after the coming into force of this Act in like manner as if this Act had not been passed.

(5) A person shall not be entitled to compensation under any provision of this Act if he is entitled to compensation in respect of the same matter by virtue of subsection (4) above.

CAP. 185.

(6) Neither this Act nor the repeal by this Act of any provision of the Water and Sewerage Act (which contains provisions confirming or continuing in force certain agreements) shall prejudice any rights or liabilities (including any rights or liabilities transferred by virtue of this section) which arise at any time under any agreement which was entered into before this Act comes into force and relates to the installation, maintenance, adjustment, repair, alteration or inspection of any water pipe, line, main or waterworks or to keeping any such pipe, line, main or waterworks installed on, under or over any land.

Possession of
water supply
by the
Government
in
emergencies.

54. (1) Where a state of emergency under the Constitution of Belize has been declared in whole or in part in Belize, in which it is necessary and expedient in the public interest that the Government should have control over water supply, the Minister, by warrant under his hand may direct or cause such water supply as is specified in the warrant to be taken possession of and, or to be used for the service of the Government, and subject thereto, for such ordinary service as may seem fit, or may direct and authorise such person or persons as it thinks fit to assume control of such water supply and cause it to be used in such manner as it may direct in the warrant.

(2) Any such warrant issued under subsection (1) above shall be effective for a period not exceeding thirty days from the date of issue and shall be deemed to have expired on the cesser of the emergency. The Minister may, where the emergency continues after thirty days, by a like warrant extend the warrant for a further period not exceeding thirty days.

(3) The Government shall pay to the licensee, or the owner of any water supply taken possession of under this section, as compensation for any loss of profit sustained by the licensee by reason of the exercise of the powers conferred by this section, or for any damage caused by the wilful or reckless act of the Government, its agents, or servants, such sum as may be agreed between the Government and the licensee or in the case where the parties cannot agree, or, failing such agreement by the parties, by arbitration by a fit and proper person to be agreed upon by the parties, by arbitration in accordance with the provisions of the Arbitration Act.

CAP. 69.

CHAPTER V

FLUORIDATION

55. (1) The Ministry of Health may, in writing apply to a licensee for the water supplied within an area specified in the application to be fluoridated and the licensee shall effect such fluoridation by the addition of one or more of the following compounds of fluorine, that is to say—

hexafluorosilicic acid (H_2SiF_6);

disodium hexafluorosilicate (Na_2SiF_6).

(2) An application under subsection (1) above shall remain in force until the Ministry of Health after giving reasonable notice to the licensee, withdraws it.

Fluoridation
of water
supplies at
request of
health
authorities.

(3) The area specified in an application under this section may be the whole, or any part of a district as specified in the application.

(4) The Ministry of Health shall, in pursuance of an application under this section, ensure that those arrangements include provisions designed to secure that the concentration of fluoride in the water supplied to consumers in the area in question is, so far as reasonably practicable, maintained at one milligram per litre.

(5) Water to which fluoride has been added by a licensee in exercise of the power conferred by this section (with a view to its supply in any area) may be supplied by that or any other licensee to consumers in any other area if the licensee or licensees concerned consider that it is necessary to do so—

- (a) for the purpose of dealing with any serious deficiency in supply; or
- (b) in connection with the carrying out of any works (including cleaning and maintenance) by the concerned licensee or, as the case may be, by any of the licensees concerned.

(6) In this section, “serious deficiency in supply” means any existing or threatened serious deficiency in the supply of water (whether in quantity or quality) caused by an exceptional lack of rain or by any accident or unforeseen circumstances.

Power to vary
permitted
fluoridation
agents.

56. The Minister may, upon the advice of the Minister of Health, by Order amend section 55 (1) above by—

- (a) adding a reference to another compound of fluorine; or

- (b) removing any reference to a compound of fluorine.

57. (1) This section applies where the Minister of Health proposes to make or withdraw an application under section 55 above.

**Publicity and
consultation.**

(2) At least three months before implementing its proposal, the Ministry of Health shall—

- (a) publish details of the proposal in one or more newspapers circulating within the area affected by the proposal; and

- (b) give notice of the proposal to every local authority whose area falls wholly or partly within that area.

(3) Before implementing the proposal, the Minister of Health shall consult each of the local authorities to which they are required, by virtue of subsection (2) (b) above, to give notice of the proposal.

(4) The Minister of Health shall, not earlier than seven days after publishing details of the proposal in the manner required by subsection (2) (a) above, republish them in that manner.

(5) Where the Minister of Health has complied with this section in relation to the proposal he shall, in determining whether or not to proceed, have such regard as he considers appropriate to—

- (a) any representations which have been made to him with respect to it; and

- (b) any consultations under subsection (3) above.

(6) The Minister of Health may direct that this section shall not apply in relation to any proposal to withdraw an application under section 55 above.

PART V

CONTROL OF WATER ABSTRACTION AND USE

CHAPTER I CONTROLLED AREAS

**Power of
Minister to
designate
controlled
areas or uses.**

58. (1) Where the Minister is satisfied that the licensing of—

- (a) water abstraction and use in any area of Belize (hereinafter referred to as “controlled area”); or
- (b) uses or classes of use of water in any area of Belize (hereinafter referred to as “controlled use” or “controlled class of uses”, as the case may be); or
- (c) any combination thereof,

is necessary in the public interest, he may declare by Order published in the *Gazette* the area, use or class of uses as a controlled area, controlled use or controlled class of uses, as the case may be.

(2) In exercising his authority under subsection (1) above, the Minister shall have regard to such factors as:

- (a) the hydrology and hydrogeology of the area;

- (b) the established and projected water demands in the area;
- (c) the current and projected availability of water in the area; and
- (d) the actual or projected impact of given uses or classes of uses on water resources in general, including the impact of the disposal of wastewaters on water resources in general, or in relation to a specific area, having regard also to the technologies employed in the abstraction and utilisation of the water, and in the disposal of the wastewater.

59. (1) After the date on which an Order has been published in the *Gazette* in accordance with section 58 above, subject to the provisions of section 27 of this Act, no person or public authority shall claim or obtain the right to abstract and use water and to construct works therefor except in accordance with the provisions of this Part.

**Effects of
declaration.**

(2) Any person or public authority who abstracts and uses water in respect of a controlled area or a controlled use or a controlled class of uses otherwise than in accordance with the provisions of this Part commits an offence under this Act.

60. (1) Subject to the provisions of section 32 of this Act, the occupier of any land, his family and employees ordinarily resident on that land are entitled to abstract and use any water on, adjacent to, or under that land for the domestic necessities of his household, including the watering of live-stock and the irrigation of a subsistence garden, notwithstanding an Order made in accordance with section 58 above.

**Private use of
water and
power to
prohibit or
restrict
temporarily
use of
hosepipes.**

(2) Where a licensee is of opinion that in any area of water supply covered by his licence, a serious deficiency of water available for distribution by him exists or is threatened, the licensee shall so inform the Minister who may, after consultation with the P.U.C. and by Order published in the *Gazette*, for such period as he thinks necessary prohibit or restrict as respects the whole or any part of the licensee's water supply system, the use of water for the purpose of watering private gardens or washing private motor cars, or any water supplied by him and drawn through a hosepipe or similar apparatus.

CAP. 192.

(3) In subsection (2) above, the expression "private motor car" means a motor vehicle intended or adapted for use on roads, other than a public service vehicle within the meaning of the Motor Vehicles and Road Traffic Act, or a goods vehicle within the meaning of that Act.

(4) The P.U.C. shall at least three days before such prohibition or restriction comes into force, publish in one or more newspapers circulating in the country, notice of the prohibition or restriction and of the date when it will come into force.

(5) Any person who contravenes any Order made under this section commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(6) During any period when a prohibition or restriction imposed under this section is in force, any officer of a licensee shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter

any premises in any area to which the prohibition or restriction applies for the purpose of ascertaining whether there is or has been any contravention of the prohibition or restriction; and the provisions of this Act relating to entry of premises shall apply to any such right of entry.

CHAPTER II

LICENCES

- | | |
|--|--|
| 61. Subject to the provisions of sections 27 and 60 of this Act, no person shall abstract and use water, and construct works therefor in respect of a controlled area or a controlled use or a controlled class of uses of water except under and in accordance with a licence for the purpose granted to him by the Minister under this Part. | Licence required. |
| 62. (1) The Minister may make Regulations under this Act which shall provide for:

(a) conditions of eligibility for the making of applications under this Part;

(b) the prescribed form and contents of applications, and relevant processing fees;

(c) the manner of dealing with applications; and

(d) the form, content, and the terms and conditions of licences.

(2) In exercising his authority under subsection (1) above, the Minister shall have regard to the following:

(a) the owners or occupiers of land on which, adjacent to which, or under which water | Applications and licences and manner of dealing with same. |

occurs, and any person who has secured amicably or by compulsory acquisition such an interest in the land as to give him access to the water shall be eligible to make an application under this Part;

- (b) an application under this Part may contain a request for the approval of proposals for the disposal of waste water if these have been classified for controlled disposal in accordance with Part VI or if the area where the proposed discharge occurs or which is affected by the proposed discharge has been classified in accordance with Part VI;
- (c) in the process of screening an application, adequate opportunities shall be provided for the protection of all actually or potentially affected interests, and for public comment.

(3) The reasons for decisions taken on applications under this section shall be given in writing.

**Form, content
and terms of
licence.**

63. (1) A licence under this Part shall be in such form, and shall contain such provisions as prescribed by the Minister in Regulations made in accordance with section 62 above.

(2) Without prejudice to the generality of the foregoing, a licence issued under this Part shall be subject to a term of duration and shall be non-transferable and may be renewable on expiration of the relevant term.

**Variation,
suspension,
revocation of
licence.**

64. (1) A licence under this Part may be varied in any of its terms and conditions

(a) at the request of the licensee;

(b) for non-use of water under the licence;

(c) to accommodate a new abstraction and use of the water to which the licence relates,

in the manner prescribed in Regulations made in accordance with section 62 of this Act, and a person whose licence is varied in accordance with paragraph (c) above shall be entitled to receive compensation from the new licensee in the form of agreed deliveries of water, or otherwise as determined by agreement between the parties or, failing such agreement, by the Minister.

(2) A licence under this Part can be suspended or revoked—

(a) at the request of the licensee;

(b) for a breach of the provisions of this Act or of Regulations made under it, or of any of the terms and conditions of the licence;

(c) to accommodate a new abstraction and use of the water to which the licence relates,

in the manner prescribed in Regulations made in accordance with section 62 of this Act.

(3) Where the Minister intends to suspend or revoke a licence under this section, he shall give at least one month's notice of his intention to revoke or suspend the licence and shall give the licensee an opportunity to exonerate himself or to remedy the default.

(4) Any person whose licence

(a) is suspended or revoked in accordance with this section shall have a right of appeal to

the Supreme Court against the decision of the Minister;

- (b) is revoked in accordance with subsection (2) of this section, shall be entitled to receive compensation from the new licensee in accordance with Regulations made under this Act.

Succession to licence.

65. The Minister shall, by Regulations made in accordance with section 62 of this Act, provide for the succession to a licence under this Part in the event that the licensee who is the owner or occupier of the land on which, adjacent to which, or under which the water to which the licence relates occurs, dies or ceases otherwise to be the owner or occupier of the whole or part of the relevant land.

Register of licences.

66. The Minister shall, by Regulations made in accordance with section 62 above, provide for the recording of all licences under this Part, and of all action relevant thereto taken in accordance with section 64 of this Act, in a Register of Water Abstraction Licences, and for the formation and upkeep of such Register.

Licence not to dispense with planning permission.
CAP. 148.

67. A licence granted under this Part shall not have the effect of dispensing with the necessity of obtaining planning permission where such permission is required under the Housing and Town Planning Act.

Entitlement to licence.

68. Any person who has abstracted and used water from a controlled area or for a controlled use or a controlled class of uses for a period of not less than twenty-four months before the coming into operation of an Order made in accordance with section 58 of this Act, shall be entitled to the grant of a licence under this Part (hereinafter referred to as "licence of right"), in the manner prescribed by the Minister in Regulations made in accordance with section 62 of this Act.

69. (1) A licence of right shall be in such form, and shall contain such terms and conditions as prescribed by the Minister in Regulations made in accordance with section 62 of this Act.

Content, etc.,
of licence of
right.

(2) In making provisions in a licence as to the quantities of water which should be authorised to be abstracted, and as to the purpose for which water should be authorised to be abstracted, due regard shall be had for the requirements of the applicant as indicated by appropriate evidence.

(3) The provisions of sections 63 (2), and sections 64 to 67 shall apply in respect of licences of right as though any reference therein contained to licences were a reference to licences of right.

(4) In this Part, the word "Minister" means the Minister responsible for natural resources.

PART VI

WATER POLLUTION CONTROL

CHAPTER I

CONTROLLED WASTE/AREAS

70. (1) Where the Minister is satisfied that the licensing of

(a) the discharge of wastes into, or the depositing of such wastes on—

Power of
Minister to
designate
controlled
area, wastes.

(i) any land,

(ii) any sewer or drain, whether or not the sewer or drain is vested in the licensee,

(iii) any bore,

(iv) any water or watercourse,

in any area of Belize (hereinafter referred to as “water quality control area”):

(b) wastes or classes of wastes, by reason of their polluting or being likely to pollute water, if such wastes are discharged into, or deposited on —

(i) any land,

(ii) any sewer or drain, whether or not the sewer or drain is vested in the licensee,

(iii) any bore.

(iv) any water or watercourse,

(hereinafter referred to as “controlled waste” or “controlled class of wastes” as the case may be); or

(c) a combination of both (a) and (b) above,

is necessary to protect the quality of water resources he may, by Order, declare the area, waste or class of wastes as a controlled water quality area, or controlled waste or controlled class of wastes, as the case may be.

(2) In exercising his authority under subsection (1) above, the Minister shall have regard to the factors listed in section 58 (2), and to the necessity of protecting the health of the public and the requirements of established and intended uses of water resources, including protection of the fauna and flora of waters and watercourses; and he shall also have regard to the desirability of protecting and enhancing scenic and environmental values.

(3) In exercising his authority under this section, the Minister responsible for the environment shall,

where necessary, consult with the Minister and any other relevant person, body or organisation or require any such person, body or organisation to conduct any necessary research, or studies to obtain data to enable the Minister responsible for the environment to make an informed decision on the issue.

71. (1) After the coming into force of an Order made under section 70 above, no person or public authority shall discharge any waste in a water quality control area, or discharge a controlled waste or a controlled class of wastes or construct works therefor except in accordance with a permit for the purpose granted to him by the Minister under this Part.
- (2) Any person or public authority who discharges waste in contravention of the provisions of this Part commits an offence under this Act and shall be liable upon summary conviction to a fine of up to five thousand dollars or to a term of imprisonment for twelve months or to both such fine and imprisonment.
- (3) For the purposes of this section, "public authority" includes the licensee.
72. A permit under section 70 above shall not be required if the discharge or deposit—
- (a) is in accordance with good agricultural practice, as determined by the Minister responsible for Agriculture;
- (b) is caused or permitted in an emergency in order to avoid a greater danger to the public and, as soon as practicable thereafter, particulars of the discharge or deposit are furnished to the Minister.
73. (1) A licensee shall not be held to have violated the provisions of section 71 by reason only of
- Effect of declaration.
- Permit not required in certain cases.
- Licensee excused under specific circumstances.

the fact that a discharge from a sewer or works vested in it contravenes the conditions of a permit relating to the discharge if—

- (a) the contravention is attributable to a discharge into the sewer or works caused or permitted by another person; and
- (b) the licensee either was not bound to receive the discharge into the sewer or works or was bound to receive it there subject to conditions which were not observed; and
- (c) the licensee could not reasonably have been expected to prevent the discharge into the sewer or works.

(2) A person shall not be held to have violated the provisions of section 71 in consequence of a discharge which he caused or permitted to be made into a sewer or works vested in a licensee if the licensee was bound to receive the discharge there either unconditionally or subject to conditions which were observed.

CHAPTER II

PERMITS FOR DISCHARGE

Applications and permits and manner of dealing with same.

74. (1) The Minister shall make Regulations to provide for—
- (a) the prescribed form and contents of applications, and relevant processing fee under this Part;
 - (b) the manner of dealing with applications under this Part;
 - (c) the criteria for decision making;

- (d) the prescribed form and provisions to be contained in permits including the terms and conditions thereof.

(2) Regulations made under subsection (1) above shall provide for—

- (a) adequate opportunities for the representation of all actually or potentially affected interests, and for public comment; and
- (b) decisions on applications to be given in writing.

75. (1) A permit under this Part shall be in such form, and shall contain such provisions as prescribed by the Minister in Regulations made in accordance with section 74.

**Form, content
and terms of
permit.**

(2) Without prejudice to the generality of the foregoing, permits under this Part shall be subject to a term of duration and shall be non-transferable and may be renewable on expiration of the relevant term.

76. (1) A permit under this Part can be varied in any of its terms and conditions at the request of the permit holder, or by the Minister, in the manner prescribed in Regulations made in accordance with section 74 of this Act but the Minister shall not be liable to pay compensation to the permit holder if in the opinion of the Minister the variation is required as a result of a change of circumstances which has occurred since the date of granting of the permit, and which could not reasonably have been foreseen on that date.

**Variation,
suspension,
revocation of
permit.**

(2) Subject to subsection (3) below, a permit under this Part can be suspended or revoked at the request of the permit holder or by the Minister for

a breach by the permit holder of any provisions of this Act or Regulations made thereunder or of any of the terms and conditions of the permit in the manner prescribed by Regulations made in accordance with section 62.

(3) Before suspending or revoking a permit under this section, the Minister shall give the licensee not less than one month's notice of his intention to suspend and revoke the permit and shall give the licensee an opportunity for a hearing to exonerate himself or to remedy the default.

Register of permits.

77. The Minister shall, by Regulations made in accordance with section 74, provide for the recording of all permits under this Part and of all action relevant thereto taken pursuant to section 76, in a Register of Waste Disposal Permits, and for the formation and upkeep of such Register.

Permit not to dispense with planning permission.

CAP. 148.

78. A permit granted under this Part shall not have the effect of dispensing with the necessity of obtaining planning permission where such permission is required under the Housing and Town Planning Act.

Special provisions for discharges in progress.

79. (1) The provisions of sections 71 to 77 shall apply in respect to discharge under those sections which are in progress on the day an Order under section 70 is made, or to construction, reconstruction or alteration of relevant works which were in progress on that day.

(2) An application for a permit under subsection (1) shall be made before the end of a period of six months commencing on the date an Order under section 70 was made.

(3) The Minister shall not unreasonably withhold the grant of a permit on an application made under this section.

CHAPTER III

CONTROL OF POLLUTION

80. Where it appears to the Minister that any poisonous, noxious or polluting matter has entered or is likely to enter in any waters, he may carry out such operations as he considers appropriate to prevent the matter from entering the water, or to remove or dispose of the matter and to remedy or mitigate any pollution caused by its presence in the water.
81. (1) Where it appears to the Minister that any waters have been or are likely to be polluted as a result of an act or omission which is deemed to be consistent with good agricultural practice in accordance with section 72 (*b*), the Minister may, in consultation with the Minister responsible for Agriculture, serve on the occupier of the land where that act or omission took place, a notice requesting him to stop or prevent acts or omissions of that kind.
- (2) Any person who fails to comply with a notice under this section is guilty of an offence under this Act.
82. (1) Where it appears to the Minister to be necessary for the purpose of protecting against pollution any water, whether on the surface or underground, the Minister may make byelaws which shall be applicable to such area as may be specified therein prohibiting or regulating the doing within such area of any act that may cause pollution.
- (2) Where an area has been specified in any byelaws made under this section, a licensee may by notice in writing require the owner or occupier of any premises within that area to execute and keep in good repair

Operations by Minister to remedy or forestall pollution.

Notice to refrain from agricultural practices.

Byelaws for preventing pollution of water.

within such time as may be stipulated in the notice such works as are considered necessary for preventing pollution of any water on such premises and, if such person fails to comply with any such requirement, he shall be liable on summary conviction to the same penalties as if he had committed an act prohibited by the byelaws.

(3) Any owner or occupier who considers that any requirement made of him under subsection (2) above is unreasonable may, within fourteen days after service on him of the notice, appeal to the P.U.C. who may either determine the appeal itself or, if it thinks fit, may refer it for determination by an arbitrator to be appointed by itself, and the P.U.C. or arbitrator may, if he decides that the requirement is unreasonable, modify or disallow the requirement.

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

- (a) he has not appealed to the P.U.C. against that requirement and the time for appealing has expired; or
- (b) his appeal has been dismissed or the requirement has been modified on his appeal and he has failed to comply with the requirement as so modified;

the licensee may, without prejudice to his rights to take proceedings for a fine in respect of such failure, execute and keep in good repair the works specified in the requirement as originally made or, as the case may be, as modified on appeal, and may recover the expenses reasonably incurred in so doing from the person in default as a civil debt.

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

**Penalty for
polluting
water used for
human
consumption.**

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

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

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

84. (1) A licensee may on any land belonging to it or over or in which it has acquired the necessary easements or rights, construct and maintain drains, sewers, watercourses, catchpits and other works for intercepting, treating or disposing of any foul water arising or flowing upon that land, or for otherwise preventing water which belongs to it or which it is for the time being authorised to take, from being polluted.

**Execution of
works for
protection of
water.**

(2) Where a licensee is proposing to construct any drain, sewer or watercourse for any of the purposes mentioned in subsection (1) above, it may carry the drain, sewer or watercourse under, across or along any street and such statutory provisions with respect

to the breaking open of streets as are applicable to the licensee shall, with any necessary modifications and adaptations, apply accordingly.

(3) In this Part, the word "Minister" means the Minister responsible for the environment.

(4) In exercising any of his functions under this Part, the Minister responsible for the environment shall consult with and make suitable recommendation and request to the Minister.

PART VII

RE ORGANISATION OF THE INDUSTRY. **TRANSFER OF UNDERTAKING OF THE** **WATER AND SEWERAGE AUTHORITY**

Vesting of
property, etc.,
in the
successor
company.

85. (1) On such day as the Minister may, by Order, appoint for the purposes of this Act (in this Act referred to as the "vesting day"), there shall vest in a successor company recommended by the Minister, free of any trust, express or implied, but subject to the functions assigned to the P.U.C. and the Minister by this Act and to any agreement between the Minister and the successor company —

(a) the whole of the undertaking of the Authority together with all lands, buildings, water pipes, lines, and waterworks and all other materials, appliances, equipment and apparatus used for, by or in connection with the said undertaking and being owned by the Authority;

(b) all interests, rights, easements, assets, and liabilities, which immediately before the vesting day were enjoyed or borne by the Authority, or on its behalf, by its agent, in

connection with or in relation to the said undertaking or operation thereof;

- (c) the right to recover monies due and payable to the Authority or its agent in respect of value given or anything done by the Authority or its agent in connection with the operation of the said undertaking.

(2) Subject to subsection (1) above, as from the vesting day, the benefits and burdens of any contract made in respect of the aforesaid undertaking for the provision of water and sewerage supply to which the Authority or its agent is a party, and which was in force immediately before the vesting day, shall be deemed to have been transferred to the successor company.

(3) Without prejudice to the generality of the foregoing provisions of this section, where, by the operation of any of the said provisions, any right or liability vests in a successor company, the said company and all other persons shall have the same rights, powers and remedies (and in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing those rights or liabilities as they would have had if it had at all times been a right or liability of the successor company and any applications to any authority pending on the vesting day by or against the Authority or its agent, in so far as they relate to any property, right, liability or obligation vested in the successor company by this Act or to any contract which has effect in accordance with subsection (2) of this section, or any agreement applied to the Authority by or under this Act shall be continued by or against the successor company.

Dissolution of
the Authority
and
nomination of
successor
company.

86. As soon as the Minister is satisfied after consulting the Authority that nothing remains to be done by the Authority, the Minister may by Order, on the vesting day—

- (a) dissolve the Authority;
- (b) nominate as the successor company, a company formed and registered under the Companies Act, provided that on the vesting day such successor company is a company limited by shares and such shares are wholly owned by the Government of Belize in the first instance.

CAP. 206.

PART VIII

FINANCIAL

Byelaws
relating to
water rates,
etc.

87. (1) The P.U.C. shall, in consultation with licensees and with the Minister's approval, make byelaws relating to
- (a) the methodology and process for the determination of tariffs, charges and fees to be charged for the provision of water and sewerage services by licensees;
 - (b) the quality of service standards, including penalties for violations of such standards and the methodology and process for establishing and enforcing quality of service standards and the calculation and assessment of penalties for their violations.
- (2) Byelaws on tariffs, charges, fees and quality of service standards to be made by the P.U.C. under subsection (1) above shall be made in a manner —

- (a) which is calculated to afford a licensee a reasonable opportunity to recover the reasonable costs of providing service and secure a reasonable rate of return on investment when operating in a manner compatible with international standards of an efficiently operated water and sewerage system of similar characteristics to that of Belize; and
- (b) that reasonably assures customers of their access to basic water and sewerage services at an affordable price in accordance with Government's policy and objectives.

(3) The P.U.C. shall, subject to the approval of the Minister, assess annual licence fees and collect such fees from entities licensed under this Act and pay such fees into the Consolidated Revenue Fund, and in making assessments of fees under this subsection, the P.U.C. shall assess fees adequate to reimburse the Consolidated Revenue Fund for the monies allocated from that Fund to meet the budget of its Office.

88. Every rate made, demanded or received by any licensee shall be fair and reasonable and in any case shall be in conformity with and shall use the rate setting methodologies specified in any Regulations, byelaws, Orders, directions or other subsidiary legislation or administrative orders made under this Act, or any licence authorising the provision of such services.

**Rates to be
just and
reasonable.**

89. (1) Without prejudice to any provision under this Act or any other law or licence requiring a licensee to file returns in accordance with this Act, law or licence, every licensee shall file with the P.U.C., within such time and in such form as the P.U.C. may from time to time by Regulations prescribe, tariffs

**Tariffs, filing
and
inspection.**

showing all rates which such licensee is by law authorised to establish or charge for the provision of the services, and shall keep copies of such tariffs open to public inspection.

(2) The rates submitted to the P.U.C. under subsection (1) above shall be the authorised rates for such licensee until changed according to the law, in which case such changed rates shall be submitted to the P.U.C. pursuant to subsection (1) above.

Adherence to
tariffs.

90. Subject to the provisions of this Act, or any other law or subsidiary legislation made thereunder, no licensee shall, directly or indirectly, demand or receive a greater or lesser rate for any service rendered than that specified in the tariffs of such licensee applicable thereto and filed in the manner provided in section 89 above.

Discrimination
in rates.

91. Subject to the provisions of this Act, or any other law or subsidiary legislation made hereunder, no licensee shall supply or furnish to any person any service at a rate or at rates which is or are unduly preferential or discriminatory.

Discount for
prompt
payment of
water and
sewerage
rates.

92. (1) A licensee may allow discounts or rebates in consideration of prompt payment of water and sewerage rates.

(2) Where, and so long as the licensee allows such discounts or rebates, notice of the effect of this section shall be endorsed on every demand note for sewerage rates.

Liability for
and recovery
of water rates
and sewerage
rates.

93. (1) Subject to section 94, water rates and sewerage rates payable to a licensee shall be payable and recoverable in accordance with the terms of his licence.

(2) Notwithstanding anything in this Act to the contrary, but subject to section 94 of this Act, sewerage rates shall be payable by the person liable therefor from the expiration of the notice given under section 112 (1) or from the date when the premises is first served with sewerage facilities, whichever is the earlier.

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

Transitional
provision
concerning
water and
sewerage
rates.

95. (1) In any case where charges are payable to a licensee by reference to the volume of water supplied to any premises therefrom, or for any other reason, a licensee may

Computation
of charges.

(a) install on those premises a meter for measuring that volume, and the register of the meter shall, subject to the provisions of any Regulations under this Act, be *prima facie* evidence of that volume; or

(b) use any other means which it considers appropriate for determining the volume to be charged.

(2) In case of the failure of a meter installed under subsection (1) (a) above or a dispute as to its accuracy, the licensee may use any other means which it considers appropriate for determining the volume to be charged.

(3) The P.U.C. may by Regulations make provision with respect to the installation, connection, disconnection, maintenance, authentication and testing of meters and other related matters whether under this section or otherwise.

Administrative
expenses incurred
by Minister.

96. There shall be paid out of such monies as may be provided by the National Assembly, all administrative expenses incurred by the Minister in the performance of his functions under this Act.

PART IX

GENERAL PROVISIONS

CHAPTER I

FIRE HYDRANTS, SUPPLY PIPES, ETC.

Duty to provide a
supply of water,
etc., for fire
fighting.

97. (1) It shall be the duty of a licensee to allow any person to take water for extinguishing fires from any of its water mains or other pipes on which a fire-hydrant is fixed.
- (2) Every licensee shall, at the request of the fire brigade concerned, fix fire-hydrants on its water mains at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out within the area of the licensee.
- (3) It shall be the duty of every licensee to keep every fire-hydrant fixed on any of its water mains or other pipes in good working order and, for the purpose, to replace any such hydrant when necessary.

(4) It shall be the duty of a licensee to ensure that a fire brigade has been supplied by the licensee with all such keys as the fire brigade may require for the fire-hydrants fixed on the water mains or other pipes of the licensee.

(5) The expenses incurred by a licensee in complying with its obligations under subsections (2) to (4) above shall be borne by the fire brigade concerned.

(6) Nothing in this section shall require a licensee to do anything which it is unable to do by reason of the carrying out of any necessary works.

(7) Where a licensee is in breach of its obligations under this section, the licensee commits an offence and is liable on summary conviction, to a fine not exceeding five thousand dollars.

(8) In any proceedings against any licensee for an offence under subsection (7) above it shall be a defence for that licensee to show that he took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

(9) In this section, "fire brigade" shall have the same meaning as in the Fire Brigades Act.

CAP. 108.

98. (1) An owner or occupier of any premises who desires to have a supply of water for domestic purposes from a licensee shall, subject as hereinafter provided, make application therefor to the licensee who may if he approves, lay the necessary supply pipe.

Laying of
supply pipes,
etc.

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

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

(4) Where the licensee lays the supply pipe on behalf of the owner or occupier—

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

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

(5) Notwithstanding anything in subsections (1) to (4) above, the licensee to whom such an application as aforesaid is made may within seven days after the receipt thereof, require the person making the application either to pay to him in advance the cost of the work, in accordance with the scale of charges prescribed therefor, or to give security for payment thereof to his satisfaction.

Laying of
communication
pipes, etc.

99. (1) Upon approval of the application referred to in section 98 of this Act, the licensee shall lay the necessary communication pipe and any part of the supply pipe

which is to be laid in a highway and shall connect the communication pipe with the supply pipe.

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

(3) The expenses to be incurred by the licensee in executing the work which he is required or authorised by this section to execute shall be payable to him in advance by the person by whom the application was made, in accordance with the scale of the charges prescribed therefor, except that if under this section the licensee lays a main in lieu of part of a supply pipe, the extra cost incurred in laying a main instead of a supply pipe shall be borne by the licensee.

100. Where a licensee supplies water or provides sewerage services to any premises he may charge in respect thereof, water rates, as prescribed by byelaws made under this Act.

Water rate.

CHAPTER II

METERS

101. (1) Where a licensee supplies water by meter, the register of the meter shall be sufficient evidence of the quantity of water consumed unless the contrary is shown.

Register of
meter to be
evidence.

(2) Any question arising between a licensee and a consumer with respect to the quantity of water consumed may, on the application of either party, be determined by the P.U.C.

(3) Where the meter on being tested is proved to register incorrectly to any degree exceeding five per cent—

- (a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the licensee unless it is proved to have begun to register incorrectly on some later date; and
- (b) the amount of any refund to be made to, or of an extra payment to be made by the consumer, shall be paid or allowed by the licensee or paid by the consumer, as the case may be, and in the case of an extra payment, shall be recoverable in the manner in which water rates are recoverable.

**Power to test
water fittings.**

102. A licensee may test water fittings used in connection with water supplied by him.

**Power to enter
premises to
detect waste
or misuse of
water.**

103. An authorised officer of the licensee may, between the hours of seven in the forenoon and seven in the afternoon, on producing, if required, evidence of his authority, enter any premises supplied with water by the licensee in order to examine if there be any waste or misuse of such water and if after production of his authority he is refused admittance to the premises or is obstructed in making his examination, the person refusing him admittance or so obstructing him shall be guilty of an offence and be liable on summary conviction to a fine not exceeding one thousand dollars.

**Power to
repair supply
pipes.**

104. (1) Where a licensee has reason to think that some injury to or defect in a supply pipe which he is not under obligation to maintain is causing or is likely

to cause waste of water or injury to any person or property, he may execute such work as he thinks necessary or expedient in the circumstances of the case without being requested to do so and if any injury to or defect in the pipe is discovered, the expenses reasonably incurred by the licensee in discovering it and in executing repairs shall be recoverable by him summarily as a civil debt from the owner of the premises supplied, but without prejudice to the rights and obligations, as between themselves, of the owner and occupier of the premises.

(2) Where several houses or other buildings in the occupation of different persons are supplied with water by one common supply pipe belonging to the owners or occupiers of the houses or buildings, the amount of any such expenses as mentioned in subsection (1) and any expenses reasonably incurred by a licensee in the maintenance of that pipe may be recovered in the manner provided in subsection (1) from the owners of those premises in such proportions as, in case of dispute, may be settled by the P.U.C. but without prejudice to the rights and obligations, as between themselves, of the owners and occupiers of those premises respectively.

105. (1) Where any person fraudulently alters the index of any meter used by a licensee for measuring the water supplied by him, or prevents any such meter from registering correctly the quantity of water supplied, or fraudulently abstracts or uses the water of a licensee, he shall, without prejudice to any other right or remedy of the licensee, be guilty of an offence and be liable on summary conviction to a fine not exceeding five thousand dollars and the licensee may do all such work as is necessary for securing the proper working of the meter and may recover the expenses reasonably incurred by him in so doing from the offender as a civil debt.

**Penalty for
fraudulent use
of water.**

(2) For the purpose of this section, if it is proved that a consumer has altered the index of a meter, it shall rest upon him to prove that he did not alter it fraudulently, and the existence of any artificial means under the control of a consumer for preventing a meter from registering correctly, or for enabling him fraudulently to abstract or use water, shall be evidence that he has fraudulently prevented the meter from registering correctly or, as the case may be, has fraudulently abstracted or used water.

Penalty for extension or alteration of pipes, etc.

106. (1) Any person who without the consent of a licensee attaches any pipe or apparatus to a pipe belonging to the licensee, or to a supply pipe, or makes any alteration in a supply pipe or in any apparatus attached to a supply pipe commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and any person who knowingly uses any such pipe or apparatus which has been so attached or altered shall be guilty of an offence and shall be liable to the same penalty as aforesaid.

(2) Where an offence under this section has been committed, then whether proceedings be taken against the offender in respect of his offence or not, a licensee may recover from the offender summarily as a civil debt the amount of any damage sustained by him and the value of any water wasted, misused or improperly consumed.

Meters to be connected or disconnected by licensee.

107. (1) A consumer shall not connect or disconnect any meter by means of which water supplied by a licensee is intended to be or has been measured for the purpose of the payment to be made to the licensee, and if he does so he commits an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars.

(2) Where a consumer requires such a meter to be connected or disconnected, he shall give to the licensee not less than twenty-four hours' notice of his requirements and of the time when the work can be commenced and thereupon the licensee shall carry out the necessary work and may recover from him as a civil debt the expenses reasonably incurred by the licensee in so doing.

108. Subject to this Act, with respect to the breaking open of streets, a licensee may for the purpose of measuring the quantity of water supplied or for preventing or detecting waste, affix and maintain meters and other apparatus on its mains and service pipes and may insert in any street, but as near as is reasonably practicable to the boundary thereof, the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily obstruct, break open and interfere with streets, sewers, pipes, wires and apparatus.

Meters, etc.,
to measure
water or
detect waste.

109. A consumer who wishes the supply of water to his premises to be discontinued shall give not less than fourteen days notice in writing to a licensee.

Notice of
discontinuance.

CHAPTER III

SEWERAGE WORKS

110. A licensee shall be responsible in any sewerage disposal area in his licence for—

Responsibility
for sewerage
system.

- (a) maintaining and developing the existing sewerage system and other property relating thereto transferred to him by virtue of this Act;
- (b) constructing and developing such other sewerage works as he considers necessary or expedient; and

- (c) administering the sewerage services thereby established and for providing sewerage services.

Licensee may cause sewerage works to be constructed.

111. Without prejudice to the generality of section 110 of this Act, a licensee may in any sewerage disposal area—

- (a) cause to be constructed such underground main drainage sewers in any street, street sewers, collecting sewers and house sewers as are necessary to complete the construction of the sewerage works and for the conveyance and disposal of the sewage thereof;
- (b) cause to be laid down, installed, erected and constructed all such works, pumps, machinery, appliances and accessories as may be requisite for the effective operation and working of the sewerage system and for the proper conveyance and disposal of sewage;
- (c) employ sewerage contractors, who shall be in charge of and be responsible for the construction of the works mentioned in paragraphs (a) and (b) above.

Licensee to enforce construction of water-closets and house sewers in each area.

112. (1) On or after the commencement by a licensee of the construction or development of sewerage works in any sewerage disposal area covered under his licence, the P.U.C. shall give notice by advertisement or otherwise to the owner of every premises requiring him, within such time as may be limited by such notice—

- (a) in respect of every premises within the sewerage disposal area not having a water-

closet, to construct and install a water-closet on the premises; and

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

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

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

(iii) to the street sewer;

in accordance with any byelaws made under this Act.

(2) Where any person fails to comply with the requirements of a notice given to him under subsection (1) above, he commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars and to a further fine not exceeding one hundred dollars for every day during which the offence is continued after conviction.

(3) A licensee may, without prejudice to his right to take proceedings for a fine in respect of such failure, by its officers and servants, enter such premises and construct those works and do other work in relation thereto which in his opinion is necessary; and the provisions of this Act relating to entry of premises shall apply to such right of entry.

(4) Subject to any byelaws made under this Act, no person shall construct or reconstruct on any premises within a sewerage disposal area unless he first submits to the licensee for approval, (in accordance with byelaws) the plan of the water-closet, house sewer

and the connection to the street sewer and any alteration or extension of a house sewer already constructed.

(5) The P.U.C. may make byelaws for regulating the construction of sewerage works and the materials to be used therein and such byelaws may contain provisions prescribing the size, nature, materials, strength and workmanship, and the mode of arrangement, connection, disconnection, alteration and repair of the sewerage works to be used.

(6) Where a person contravenes any byelaws made under this section, a licensee may, without prejudice to his right to take proceedings for a fine in respect of such contravention, cause any sewerage works belonging to or used by that person which are not in accordance with the requirements of the byelaws to be altered, repaired or replaced, and may recover the expenses reasonably incurred by him in so doing from the person in default as a civil debt.

(7) Any such byelaws may contain provisions for imposing on any person contravening the byelaws a fine not exceeding five thousand dollars recoverable on summary conviction in respect of each offence and, in the case of a continuing offence, a further fine not exceeding one hundred dollars for each day during which the offence continues after conviction thereof.

(8) An officer of the licensee authorised by him for the purpose shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises in the area to which the byelaws apply, for the purpose of—

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

(b) exercising any right conferred on the licensee by subsection (6) of this section,

and the provisions of this Act relating to entry of premises shall apply to any such right of entry.

113. (1) Where a person fails to comply with the requirements of a notice given to him under section 112 (1) above and the licensee executes the work under subsection (3) thereof, such percentage of the expenses as are incurred by the licensee in constructing and installing the water-closet and in the laying and constructing of any house sewer (when there is no collecting sewer system) and of the requisite appliances and accessories thereto, shall be a debt due and be paid to the licensee by the owner of the premises in respect of which the house sewer is laid and constructed, and in default may be recovered as a civil debt.

Payment of
cost of house
sewers and
collecting
sewers.

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

(3) Where a person complies with the requirements of a notice given to him under section 112 (1) of this Act, the complementary proportion of the percentage of the expenses prescribed, if any, that are reasonably incurred in laying the house sewer (when there is no collecting sewerage system) and of the requisite appliances and accessories, together with an additional sum, if the licensee so resolves, not exceeding five per cent, shall be paid to him by the licensee.

- (4) Payment of the expenses referred to in subsections (1) and (2) of this section shall be made within thirty days after demand in writing by the licensee, except that any owner who does not within the period of thirty days pay those expenses —

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

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

Power to lay
sewers.

114. (1) A licensee may in any sewerage disposal area lay a sewer—

(a) in any street; and

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

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

- (2) A consent required for the purposes of subsection (1) above shall not be unreasonably withheld and any

question whether such a consent is or is not unreasonably withheld shall be referred to and determined by the P.U.C.

(3) Where a licensee in the exercise of his powers under this section lays a sewer in, on or over any land not forming part of a street, or inspects, repairs, alters, renews or removes a main laid in, on or over any such land, he shall from time to time pay compensation to every person interested in that land for any damage done to or injurious affection of that land by reason of the inspection, laying, repair, alteration, renewal or removal of the sewer and any dispute as to the amount of compensation to be paid under this subsection shall be referred to arbitration.

(4) A licensee may erect and maintain in any street, notices indicating the position of underground sewerage works and appliances used for controlling the flow of sewage through the street sewer, and may affix such notices to any house or other building, post, pillar, wall or fence.

115. (1) A licensee may in any street lay such street sewers and collecting sewers with such fittings as he thinks necessary for the drainage of sewage from any house sewer, and may from time to time inspect, repair, alter or renew and may at any time remove any collecting sewer laid in a street whether by virtue of this section or otherwise.

**Power to lay
collecting
sewers, etc.**

(2) Where a sewer or collecting sewer has been lawfully laid in, on or over any land not forming part of a street, a licensee may from time to time enter upon that land and inspect, repair, alter, renew or remove the sewer or lay a new sewer in substitution therefor, but shall pay compensation for any damage done by him and any dispute as to the amount of

compensation to be paid under this subsection shall be determined by arbitration.

**Unlawful
communications.**

116. Any person who causes a drain or sewer to communicate with a public sewer in contravention of any of the provisions of this Act commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term of twelve months or to both such fine and imprisonment.

**Penalty for
misuse, etc., of
sewerage
facilities by
non-repair of
water-closets,
etc.**

117. (1) Where the owner or occupier of any premises wilfully or negligently causes or suffers any water-closet, soilpipe or house sewer which he is liable to maintain to be or remain so out of order or so in need of repair, or so constructed or adapted, or be so used that the sewerage facilities provided by a licensee are, or are likely to be misused or to pollute or injure any premises or property, or that foul air or any impure matter is likely to enter into any pipe belonging to, or connected with a pipe belonging to a licensee, he commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) Where any water-closet, soilpipe or house sewer which any person is liable to maintain is in such a condition, or so constructed or adapted as described in subsection (1) above, the licensee, without prejudice to his right to institute proceedings under that subsection may require that person to carry out any necessary repairs or alterations and, if he fails to do so within forty-eight hours, may himself carry out the work and recover from him as a civil debt the expenses reasonably incurred by him in so doing.

118. Whenever any premises has been provided with a house sewer and water-closet, if any sewage flows or is deposited or thrown from the premises, either within the premises or elsewhere than by the house sewer from the premises, the occupier of the premises and anyone who deposits or throws any sewage as aforesaid commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

**Disposal of
sewage other
than by sewer.**

119. Where any garbage, hair, ashes, fruit, vegetables, rags, bottles, tins, refuse, or any other matter or thing whatever, except sewage and the necessary paper is thrown into or deposited in any receptacle connected with a house sewer, either by the occupier of the premises or by anyone else, the occupier and also that person shall be liable for all damage occasioned thereby and for all expenses incurred in repairing and rectifying the damage and in addition the person throwing or depositing such matter commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

**Allowing
anything but
sewage and
paper to be in
sewers.**

120. Where in the opinion of a licensee, sewage of any particular kind would be injurious to the sewerage system, the licensee may, by notice published in the *Gazette* and a daily newspaper circulating in the country prohibit as from the time stated in the notice, the introduction of that sewage into any sewer and if after the date prescribed by the notice any sewage is introduced or enters or flows into any sewer, the occupier of any such premises or place and also anyone introducing any of that sewage or causing it to flow or enter into a sewer commits an offence and is liable on summary conviction to a fine not exceeding

**Permitting
prohibited
sewage to flow
into sewers.**

one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

CHAPTER IV

BREAKING OPEN OF STREETS, ETC.

Streets, etc.,
broken open
to be re-
instated
without delay.

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

Remedies
where licensee
fails to comply
with
requirements
of section 121.

122. Where a licensee fails to comply with any of the requirements of section 121 above, the persons having the control or management of the street, bridge, sewer, drain or tunnel in question, may, themselves execute any work necessary to remedy the default and may recover the expenses reasonably incurred by them in so doing from the licensee as a civil debt.

Duty to give
notice of
certain works.

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

124. (1) Subject to this section, any authorised officer of a licensee shall on producing, if so required, some duly authenticated document showing his authority, have a right to enter any premises at all reasonable hours —

Power to enter premises.

- (a) for the purpose of inspecting and examining meters used by the licensee for measuring the water supplied by them, and of ascertaining therefrom the quantity of water consumed;
- (b) for the purpose of ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Act or any regulations made thereunder;
- (c) for the purpose of ascertaining whether or not circumstances exist which would allow a licensee to take any action or execute any work under this Act or any regulations made thereunder;
- (d) for the purpose of taking any action or executing any work authorised or required under this Act or any regulations or byelaws made thereunder to be taken or executed by a licensee;

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

(2) An authorised officer of a licensee may between the hours of seven in the forenoon and six in the afternoon on producing, if required, evidence of his authority, enter any premises supplied with water by the licensee in order to examine if there be any waste or misuse of such water and, if after production of

his authority, he is refused admittance to the premises or is obstructed in making his examination, the person refusing him admittance or so obstructing him commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(3) If it is shown to the satisfaction of a magistrate on sworn information in writing that

- (a) admission to any premises has been refused or that refusal is reasonably apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and
- (b) there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the magistrate may by warrant under his hand authorise the licensee by any authorised officer to enter the premises, if need be by force.

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

(5) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

125. Where, on a complaint made by the owner of any premises, it appears to a court of summary jurisdiction that the occupier of those premises prevents the owner from executing any work which he is by or under this Act or any byelaws or regulations made thereunder required to execute, the court may order the occupier to permit the execution of the work.
126. A judge or magistrate of any court or a justice of the peace shall not be disqualified from acting in cases arising under this Act by reason only of his being as one of several ratepayers or as one of any other class of persons liable in common with the others to contribute to or be benefited by any rate or fund out of which any expenses of a licensee are to be defrayed.
127. (1) A licensee may on the request of any person to whom he supplies or proposes to supply water or whom he has provided or whom he proposes to provide with sewerage facilities supply to him by way either of sale or hire any such water fittings or sanitary conveniences and appliances as the case may be, as are required or allowed by this Act or any byelaws made thereunder and may on such request, install, repair or alter any such water fittings or such sanitary convenience or appliance whether supplied by him or not, as the case may be, and may provide any materials and do any work required in connection with such installation, repair or alteration of water fittings or sanitary conveniences or appliances, as the case may be.
- (2) A licensee may make such charges as may be agreed or, in default of agreements, as may be reasonable for any fittings or sanitary convenience or appliance supplied, or any materials provided or work done, under this subsection and may recover such charges as civil debts.

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

Judges and
justices not to
be disqualified
by liability to
rates.

Power to
supply water
fittings, etc.

(3) Any fittings or sanitary conveniences or appliances let for hire by a licensee

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

(b) shall not be subject to distress or to a landlord's remedy for rent, or be liable to be taken in execution under any process of any court or in any proceedings in bankruptcy against the persons in whose possession they may be, so however that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) If any person wilfully or negligently damages or suffers to be damaged, any water fitting or sanitary convenience or appliance belonging to a licensee, he commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment and the licensee may do all such work as is necessary for repairing any damage done and may recover the expenses reasonably incurred by him in so doing from the offender as a civil debt.

Licensee to
provide
domestic
supply and
sewerage
facilities for
new buildings.

128. (1) Where an owner of land in any area of water supply or sewerage disposal area proposes to erect thereon buildings for which a supply of water for domestic purposes will be needed, he may make application requesting a licensee

(a) to lay the necessary mains to such point or points as will enable such buildings to be connected thereto at a reasonable cost and to bring water to that point or those points;

- (b) to construct the necessary sewerage facilities, and the licensee may, if he thinks fit, subject as hereinafter provided, accede to that request.

(2) A licensee, before entertaining such an application—

- (a) in the case of the provision and the laying of the necessary mains,
 - (i) may require the owner to undertake to pay such rates, fees or tariffs as may be prescribed under byelaws made under this Act until the aggregate amount of water rates payable annually in respect of the buildings when erected and in respect of any other premises connected with the said mains at the rates for the time being charged by the licensee equals or exceeds such sum as aforesaid or until the expiration of a period of twelve years, whichever first occurs, and
 - (ii) except where the owner is a local or public authority, may also require him to deposit with the licensee as security for payment of the said annual sum, such sum, not exceeding the total expense of providing and laying the mains, as the licensee may require;
- (b) in the case of the construction of the necessary sewerage facilities, may require the owner to enter into such arrangements for meeting the expenses involved as may be provided by byelaws.

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

Complaints to
P.U.C.

129. Where any person in Belize has a complaint with respect to water and sewerage rates, such person may make a complaint to the P.U.C. which shall thereafter proceed to deal with such complaint in the manner and procedure as provided in the Public Utilities Commission Act.

No. 39 of 1999.

Recovery of
debts.

130. (1) All charges, compensations, damages, costs, expenses or other sums due to a licensee under the provisions of this Act may be recovered by the licensee as a civil debt.

CHAPTER V

DISCONNECTIONS

Disconnections
for the
carrying out
of necessary
works.

131. Subject to the following provisions of this section, a licensee may—

(a) disconnect a service pipe which, for the purpose of providing a supply of water to any premises, is connected with any water main of that licensee; or

(b) otherwise cut off a supply of water to any premises, if it is reasonable for the disconnection to be made, or the supply to be cut off, for the purposes of the carrying out of any necessary works.

(2) The power of a licensee under this section to cut off the supply of water shall include power to reduce a supply of water.

(3) Except in an emergency or in the case of a reduction which is immaterial, the power of a licensee under this section to cut off or reduce a supply shall be exercisable in relation to any premises only after the licensee has served reasonable notice on the consumer of the proposal for the carrying out of the necessary works.

(4) Where a licensee exercises his power under this section to make any disconnection or to cut off or reduce a supply of water to any premises for the purposes of the carrying out of any necessary works, he shall owe a duty to the consumer to secure –

(a) that those works are carried out with reasonable despatch; and

(b) that where any supply of water to those premises for domestic purposes is interrupted for more than twenty-four hours for the purposes of the carrying out of those works only if an emergency supply has been made available (whether or not in pipes) within a reasonable distance of the premises.

(5) Any breach by a licensee of the duty owed by virtue of subsection (4) above which causes any person to whom it is owed to sustain loss or damage shall be actionable at the suit of that person.

132. Subject to the terms of a licence and the following provisions of this section, a licensee may disconnect a service pipe which for the purposes of providing a supply of water to any premises is connected with any water main of that licensee, or may otherwise cut off a supply of water to any premises, if the occupier of the premises —

**Disconnections
for non-
payment of
charges.**

- (a) is liable (whether in his capacity as occupier or under any agreement with the licensee) to pay charges due to the licensee in respect of the supply of water to those premises; and
- (b) has failed to do so before the end of the period of one month beginning with the day after he is served with notice requiring him to do so.

**Disconnections
at request of
customer.**

133. (1) Subject to the following provisions of this section, a licensee may—

- (a) disconnect a service pipe which for the purposes of providing a supply of water to any premises is connected with any water main of that licensee; or
- (b) otherwise cut off a supply of water to any premises,

if notice specifying the time after which a supply of water to those premises will no longer be required has been served on the licensee by a consumer and that time has passed.

(2) No person shall be liable to a licensee for any expenses incurred by the licensee in exercising the power conferred on the licensee under this section.

**General duties
of licensees
with respect to
disconnections.**

134. (1) Where a licensee —

- (a) disconnects a service pipe to any inhabited house, or otherwise cuts off a supply of water to such a house; and
- (b) does so without restoring the supply to that house before the end of the period of twenty-

four hours beginning with the time when it is cut off,

the licensee shall, no later than twenty-four hours after that time, serve notice that he has cut off that supply, on the local authority in whose area the house is situated.

(2) A licensee who fails, without reasonable excuse, to serve a notice on a local authority as required by subsection (1) above shall be guilty of an offence under this section.

(3) A licensee shall be guilty of an offence under this section if —

- (a) he disconnects a service pipe to any premises, or otherwise cuts off a supply of water to any premises, in a case in which he has no power to do so under sections 131 to 133 of this Act, or any other enactment; or
- (b) in disconnecting any such pipe or cutting off any such supply he fails, without reasonable excuse, to comply with any requirement of the provisions in pursuance of which he disconnects the pipe or cuts off the supply.

(4) A licensee who is guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term of twelve months or to both such fine and imprisonment.

135. (1) Subject to the following provisions of this section, a licensee may require the provision of a separate service pipe to any premises within his area which—

Supply by means of separate service pipes.

- (a) consist of a house or any other building or part of a building, being, in the case of a part of a building, a part which is separately occupied; and
- (b) are already supplied with water by the licensee but do not have a separate service pipe.

(2) Where the supply of water to two or more houses was provided to those houses before the commencement of this Act wholly or partly by the same service pipe and continues to be so provided, the licensee shall not require the provision of separate service pipes to those houses until –

- (a) the service pipe, in so far as it belongs to a person other than the licensee, becomes so defective as to require renewal or is no longer sufficient to meet the requirements of those houses;
- (b) a payment in respect of the supply of water to any of those houses remains unpaid after the end of the period for which it is due;
- (c) the houses are, by structural alterations to one or more of them, converted into a larger number of houses;
- (d) the owner or occupier of any of those houses has interfered with, or allowed another person to interfere with, the existing service pipe thereby causing the supply of water to any house to be interfered with; or
- (e) the licensee has reasonable grounds for believing that such interference as is mentioned in paragraph (d) above is likely to take place.

(3) Where, in the case of any such premises as are described in subsection (1) above, the licensee who provides a supply of water to those premises serves notice on the consumer requiring the provision of a separate service pipe and setting out the power of the licensee under subsection (4)—

- (a) that consumer shall, within three months after the service of the notice, lay so much of the required pipe as the licensee is not under a duty to lay by virtue of paragraph (b) below;
- (b) the provisions of this Act relating to domestic connections shall apply as if that consumer had by a connection notice required the licensee to connect the separate service pipe to those premises with the licensee's water main;
- (c) that consumer shall be presumed, without prejudice to his power to make further demands and requests—
 - (i) in so far as those premises were provided before the service of the notice with a supply of water for domestic purposes, to have made a demand for the purposes of section 128 of this Act that such a supply is provided by means of the separate service pipe; and
 - (ii) in so far as those premises were provided before the service of the notice with a supply of water for other purposes, to have requested the licensee to provide the same supply

by means of that pipe as was provided before the service of the notice;

and

- (d) on providing a supply of water to those premises by means of the separate service pipe, the licensee may cut off any supply replaced by that supply and may make such disconnections of pipes by which the replaced supply was provided as he thinks fit.

(4) If a person upon whom a notice has been served for the purposes of subsection (3) above fails to comply with the notice, the licensee may—

- (a) itself carry out the works which that person was required to carry out; and
- (b) recover the expenses reasonably incurred by the licensee in doing so from that person.

Arbitration
proceedings.

CAP. 69.

136. Save as otherwise provided in this Act, and save where inconsistent with the provisions of this Act, the Arbitration Act shall apply to every reference to arbitration under this Act.

CHAPTER VI

REGULATIONS, OFFENCES AND PENALTIES

Regulations,
codes of
workmanship.

137. (1) The Minister may as he considers necessary after consultation with the P.U.C., make Regulations generally for giving effect to the provisions of this Act and the Minister may make Regulations for developing and prescribing codes of workmanship in respect of

- (a) standards of performance in connection with the provision of supplies of water as in his opinion ought to be achieved in individual cases;
- (b) any works of water supply, sewerage, waste disposal or waste treatment works to be constructed under this Act;
- (c) any latrine, septic tank or private sewerage system;
- (d) any plumbing or drainage relating to water supply, sewerage or drainage to be executed on any land.

(2) Regulations under subsection (1) above may provide that if a licensee fails to meet a prescribed standard he shall pay such amount as may be prescribed to any person who is affected by the failure and is of a prescribed description.

138. (1) Any byelaws made by the P.U.C. under powers conferred by this Act may contain provisions for imposing on any person contravening the byelaws a penalty not exceeding five thousand dollars or twelve months imprisonment or, in the case of a continuing offence, a fine not exceeding one hundred dollars for each day the offence continues after conviction thereof.

General provisions as to byelaws.

(2) An officer of the P.U.C. authorised by it in writing for the purpose shall on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises in any area to which the byelaws apply, for the purpose of—

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

- (b) in the case of byelaws made under section 87 exercising any right conferred on the licensee by subsection (3) of that section for ascertaining whether or not circumstances exist which would justify the licensee making a requirement under subsection (2) of that section;

and the provisions of this Act relating to entry of premises shall apply to any such right of entry.

(3) Byelaws made by the P.U.C. under the powers conferred by this Act may make different provisions for different areas of water supply or different sewerage disposal areas as the case may be and for different parts of the same area of water supply or sewerage disposal area.

Offences and penalties.

139. A person who contravenes any of the provisions of this Act is guilty of an offence, and any person guilty of an offence against this Act, except where the provision by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine not exceeding ten thousand dollars, and in the case of a continuing offence to a further fine of one hundred dollars for each day during which the offence continues after conviction thereof.

Offences in relation to water supply and sewerage.

140. (1) Any person who wilfully or negligently

- (a) causes or suffers any pipe, valve, cock, cistern bath, soil pan, water-closet or other apparatus or receptacle belonging to or connected with the waterworks —
 - (i) to be out of repair, or
 - (ii) to be so used or contrived in such a way that the water supplied to him is

or is likely to be wasted, misused,
unduly consumed or contaminated;

- (b) causes or suffers any pipe belonging to or connected with the pipes of the waterworks to be so used or contrived in such a way as to occasion or allow the return of foul air or other noxious or impure matter therein;
- (c) removes or tampers with any guage, meter, measuring instrument, level, mark or any other appliance forming part of the waterworks;
- (d) damages any part of any waterworks, sewerage works or sewerage system; or
- (e) commits any act which, by itself or with other acts, impedes or interrupts, or is calculated to impede or interrupt, the flow of water belonging to the waterworks,

commits an offence and shall be liable on summary conviction for each offence to a fine of one thousand dollars or to imprisonment for a term of six months or to both such fine and imprisonment.

(2) Any person who —

- (a) violates any of the provisions of any Regulations or byelaws that are saved under this Act;
- (b) refuses or neglects to act in obedience to any such Regulations or byelaws referred to in paragraph (a) above;
- (c) resists, opposes or obstructs the lawful execution or implementation of any

provision of this Act or Regulations made hereunder;

- (d) washes clothes or any other thing, bathes, swims, waters or bathes any animal or spits in any source of water supply of the licensee;
- (e) urinates or defecates in or throws or deposits any waste or refuse in the surrounding area of any such water supply source;
- (f) uses the said water supply or water system for any purpose that may jeopardise the public health or alter the chemical or bacteriological balance of the water;

commits an offence and shall be liable on summary conviction for each offence to a fine not exceeding one thousand dollars or to imprisonment for a term of six months or to both such fine and imprisonment.

(3) In the event any damage should result to the waterworks, sewerage works or sewerage system from the commission of any of the offences mentioned in this section, a magistrate may, in addition to any punishment he may inflict, order the offender to pay compensation to the licensee.

Act to prevail
in case of
conflict.

141. Subject to sections 35(2) and 36(2) of this Act, whenever the provisions of this Act or any Regulations made hereunder are in conflict or inconsistent with the provisions of any other law relating to the control of water supply or the disposal and treatment of sewage, the provisions of this Act and the Regulations made hereunder shall prevail.

Reference to
Authority, etc.
deemed
reference to
licensee, etc.

142. A reference in any deed, contract, bond, security or other document made before the commencement of this Act

(a) to the Government, or

(b) the Authority,

concerning any waterworks or existing sewerage system, shall, unless the context otherwise requires, be construed as a reference to the Government or a licensee as the case may be.

143. Any legal proceedings pending or existing

Legal proceedings to subsist.

(a) immediately before the commencement of this Act, by or against the Government, or

(b) immediately before the vesting period by or against the Authority,

in relation to any waterworks or existing sewerage system shall be deemed to subsist and may be continued by or against a licensee as the party to the proceedings instead of the Government or the Authority.

144. Where an escape of water from a pipe vested in a licensee causes loss or damage to any person, the licensee shall be liable for such loss or damage unless the escape occurs through an Act of God or through the negligence or carelessness on the part of the person who sustained the loss or damage or of any servant, or agent or contractor of such person.

Civil liability of licensees for escapes of water, etc.

145. (1) Any person who—

Injurious acts with intent to cut off supply.

(a) maliciously cuts or damages any water line or waterworks with intent to cut off any supply of water; or

(b) otherwise maliciously causes any interruption to the water supply; or

(c) incites other persons to do so,

commits an offence, and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding twelve months, or to both such fine and imprisonment.

(2) Nothing in this section shall exempt a person from any proceeding for any offence which is punishable under any other provisions of this Act, or under any other law or Act, but no person shall be punished twice for the same offence.

Entry on
certain land
without
permission.

146. Any person who, without lawful authority or excuse, enters or remains on any land in the occupation of a licensee, commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

Assault on
licensee.

147. Any person who wilfully obstructs, resists or in any way interferes with, or who assists any other person in obstructing, resisting, or in any way interfering with any officer or employee of a licensee acting under the provisions of this Act or any byelaws or regulations made thereunder, commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

General
restrictions on
disclosure of
information.

148. (1) Subject to the following provisions of this section, no information with respect to particular business which—

(a) has been obtained under or by virtue of the provisions of this Act; and

- (b) relates to the private affairs of any individual or to any particular business;

shall, during the lifetime of that individual or so long as that business continues to be carried on, be disclosed without the consent of that individual or the person for the time being carrying on that business.

(2) Subsection (1) above does not apply to any disclosure of information which is made

- (a) for the purpose of facilitating the performance of any functions assigned or transferred to the Minister, or a licensee by or under this Act;
- (b) for the purpose of facilitating the performance of any functions of any Minister;
- (c) in connection with the investigation of any criminal offence or for the purpose of any criminal proceedings;
- (d) for the purpose of any civil proceedings brought under or by virtue of this Act;
- (e) in pursuance of a community obligation.

(3) Nothing in subsection (1) above shall be construed—

- (a) as limiting the matters which may be published under section 9 of this Act or may be included in, or made public as part of, a report of the licensee under this Act; or
- (b) as applying to any information which has been so published or has been made public as part of such a report.

(4) Any person who discloses any information in contravention of this section commits an offence and shall be liable—

(a) on summary conviction, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment;

(b) on conviction on indictment, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

**Offences by
bodies
corporate.**

149. (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, then he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) In this section,

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

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|---|---|
| <p>150. Proceedings for an offence under this Act which is punishable on summary conviction may be commenced at any time within twelve months next after the commission of the offence, and not thereafter.</p> | <p>Time limit for summary proceedings.</p> |
| <p>151. A person who wilfully obstructs any person acting in the execution of this Act, or of any regulation, byelaw, Order or warrant made or issued thereunder is, in any case for which no other provision is made by this Act, liable to a fine of one thousand dollars and for each subsequent offence to a further fine of one hundred and fifty dollars.</p> | <p>Penalty for obstructing execution of Act.</p> |
| <p>152. Where provision is made by or under this Act for the imposition of a daily penalty in respect of a continuing offence, the court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court and, where a court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof.</p> | <p>Continuing offences and penalties.</p> |
| <p>153. (1) The P.U.C. may, with the approval of the Minister make regulations generally for the purpose of carrying this Act into effect.</p> <p>(2) Regulations made under this Act may provide that the breach of any regulations therein constitutes an offence and may provide for penalties on summary conviction of a fine not exceeding ten thousand dollars in respect of each offence, and in the case of a continuing offence a further fine of one hundred dollars for each day during which the offence continues after conviction therefor, and in default of payment thereof, imprisonment for a term not exceeding twelve months.</p> | <p>Regulations.</p> |

(3) Without prejudice to the generality of the foregoing subsection (1) of this section, Regulations made under that subsection may cover all or any of the following matters;

- (a) the further duties of licensees;
- (b) securing that supplies of water are regular and efficient;
- (c) protecting the public from dangers arising from the supply of water or use of water supplied, and the maintenance or use of any water line or waterworks;
- (d) without prejudice to the generality of paragraph (c) above, eliminating or reducing the risks of personal injury, or damage to property or interference with its use, arising as mentioned in that paragraph;
- (e) setting standards of performance by licensees and by the promotion by licensees of the efficient use of water;
- (f) prohibiting the supply of water except by means of a system approved by the P.U.C.;
- (g) requiring notice in the prescribed form to be given to the Minister, in such cases as may be specified in the regulations, of accidents and of failures of supplies of water;
- (h) prescribing anything that needs to be prescribed under this Act.

Orders to be
made by S.I.

154. The power to make Orders under this Act shall be exercisable by statutory instrument.

CHAPTER VII

REPEAL, COMMENCEMENT AND SAVINGS

155. (1) On the vesting day, subject to section 156 below, the Water and Sewerage Act ("the repealed Act") shall stand repealed.
- (2) All Regulations, rules, byelaws, orders or other subsidiary instruments made under the repealed Act shall continue to be in force in so far as they are not inconsistent with this Act and until they are revoked.
- (3) Where, in any rule, law, enactment, order, notice or subsidiary instrument, any reference is made to the Water and Sewerage Act, such reference shall be construed as a reference to this Act.
156. (1) The provisions of Parts I to VI and Part IX of this Act shall come into force on the appointed day.
- (2) The remaining provisions of this Act shall come into force on the vesting day.

**Repeal of
Water and
Sewerage Act
and savings.
CAP. 185.**

CAP. 185.

**Commencement
and extent.**