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LAWS OF GRENADA  
REVISED EDITION

**NATIONAL WATER AND SEWERAGE  
AUTHORITY ACT**

**CHAPTER 208**

**Act No.  
25 of 1990**

Amended by

Act No. 41 of 1991

Act No. 52 of 1991

Act No. 30 of 1992

Act No. 15 of 1995

Act No. 35 of 1996

Act No. 23 of 2008

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## CHAPTER 208

## NATIONAL WATER AND SEWERAGE AUTHORITY ACT

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## CHAPTER 208

**NATIONAL WATER AND SEWERAGE AUTHORITY ACT**

**An Act to establish the National Water and Sewerage Authority as a corporate body; to make provision for the functions, powers and administration of the Authority, for the transfer to the Authority of the assets and liabilities of the Central Water Commission, and to provide for connected matters.**

[Act No. 25 of 1990 amended by Act No. 41 of 1991, Act No. 52 of 1991, Act No. 30 of 1992, Act No. 15 of 1995, Act No. 35 of 1996, Act No.23 of 2008.]

[14th January, 1991.]

## PART I

*Preliminary***Short title**

1. This Act may be cited as the National Water and Sewerage Authority Act.

**Interpretation**

2. In this Act—

“appointed day” means the 14th January, 1991;

“Authority” means the National Water and Sewerage Authority established by section 4;

“body of water” means ground water and water contained or flowing in a spring, steam, river, natural lake or swamp, or in or beneath a watercourse or in a zone below the water table where the interstices are filled with ground water, and includes water

diverted or abstracted from any of the foregoing, or stored therein, by means of works, but does not include the water in a spring which is situated wholly within the boundaries of land owned by any one landowner and which does not naturally discharge into a water-course extending beyond the boundaries of such land or abutting on the boundaries of such land;

“business plan”, for a financial year, means—

- (a) the business plan approved under section 26; and
- (b) all amendments to the business plan approved under that section, for the financial year;

“catchment area” means any surface of land or any device which collects rainfall or through which water flows for the purposes of waterworks;

“chairperson” means the chairperson of the Board of the Authority appointed under section 8 and includes any deputy chairperson and any person acting on behalf of the chairperson;

“financial year” means the financial year referred to in section 26;

“Manager” means the Manager of the Authority appointed by the Board under section 9(1) and includes any other person for the time being lawfully discharging the functions of the Manager under this Act;

“meter” means an appliance used to measure, ascertain or regulate the quantity of water taken or used from waterworks and includes an appliance used for estimating the flow of water in or from any part of waterworks;

“Minister” means the Minister for the time being responsible for water supply and sewerage;

“owner” means the holder of a tenement direct from the Crown whether under lease, licence or otherwise, or the immediate landlord of a tenement, or the agent of any such holder, or landlord, who is absent or under disability, or if there be no such agent the occupier of the tenement;

“sewage” means matter conveyed in a sewer;

“sewer” includes any drain pipe, conduit or channel for the conveyance of sewage;

“sewerage” means drainage by means of a sewer or series of sewers;

“shallow-dug well” means a well the maximum depth of which does not exceed five feet;

“standpipe” means any fountain, standpipe, valve, tap or appliance, used or intended to be used for or in connection with the supply of water to the public from waterworks, installed by and belonging to or vested in the Authority;

“water-course” means lake, pond, spring, river, stream, reservoir, aqueduct or pipe from, through, to, along or by which water is conducted and supplied to or from waterworks;

“waterworks” means reservoirs, wells, dams, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, pipes, fountains, showers, valves, pumps, engines, culverts and all machinery, lands, buildings and things used for supplying water;

“way-leave” means a right of the Authority to the use of land for the laying of tunnels, conduits, aqueducts, channels, drains, outfalls for sewers, sewers, water mains, pipes or other works, structures and appliances and accessories thereto, together with the right of access to such land and the right of opening up such land from time to time for the inspection, renewal, repair, replacement or removal of any such works, and the right of restoring any such land, without in any such case affecting the ownership of such land.

## PART II

### *National Policy and Establishment of the National Water and Sewerage Authority*

#### **National policy for water and sewerage**

3. The Government shall promote a national policy for water and sewerage in Grenada, and shall so discharge its functions in respect of the following matters as to secure the effective execution of that policy by the bodies responsible therefor, namely—

- (a) the provision of water supplies and the conservation, augmentation, distribution and proper use of water resources including the preservation and protection of catchment areas;
- (b) sewerage and the treatment and disposal of sewage and other effluents.

#### **Establishment of the National Water and Sewerage Authority**

4. (1) For the purpose of exercising the functions and powers conferred on it by virtue of this Act, there is hereby established a body corporate to be known as the National Water and Sewerage Authority.

(2) The Authority shall have perpetual succession and a Common Seal with power to make contracts and to sue and be sued in its corporate name, to acquire, hold and dispose of all kinds of property, and to draw, accept, make, endorse and negotiate bills of exchange, promissory notes, bills of lading and other negotiable instruments.

#### **Transfer of assets and liabilities of Central Water Commission to the Authority**

5. (1) All the waterworks vested in the Central Water Commission established by section 4 of the Water Supply Act, No. 23 of 1969, are transferred to and vested in the Authority, and all assets, powers, duties, liabilities and obligations of the Central Water Commission are also transferred to the Authority.

(2) Debts and liabilities transferred by subsection (1) shall be debts and liabilities of the Authority and shall, in the manner provided by this Act, be defrayed out of the water rates, rents and funds out of which they would have been defrayed if such waterworks had remained vested in the Central Water Commission.

(3) Agreements to which the Central Water Commission was a party immediately before the appointed day shall have effect as if—

- (a) the Authority had been a party thereto;
- (b) for references to the Central Water Commission there were substituted, in respect of anything falling to be done on or after the appointed day, a reference to the Authority;
- (c) for references to any member or officer of the Central Water Commission there were substituted, in respect of anything falling to be done on or after the appointed day, a reference in each case to such person as the Authority may appoint or, in default of such appointment, to the member or officer of the Authority who corresponds as nearly as may be to the member or officer of the Central Water Commission;
- (d) for references to any fund or revenues of the Central Water Commission there were substituted, in respect of anything falling to be done on or after the appointed day, a reference to the corresponding fund or revenues of the Authority.

#### **Duties and powers of the Authority**

6. (1) The Authority shall have full power and authority over all the surface and underground waters of Grenada, and shall collate and publish information from which assessments can be made of the actual and prospective demand for water and of actual and prospective water resources.

(2) The Authority shall take such action as may be necessary or expedient for the purpose of—

- (a) conserving, augmenting, distributing or redistributing water resources in Grenada;
- (b) maintaining and improving sewerage systems in Grenada.

(3) Without prejudice to the generality of subsection (2), the Authority shall—

- (a) investigate the water resources of Grenada and advise and make recommendations to the Minister in connection with improvements, preservation, conservation, utilisation and the apportionment of those resources, and as to the provision of additional water supplies;
- (b) carry out surveys of consumption and demand for water supplies and of the water resources of Grenada;
- (c) prepare estimates of the future water supply and sewage disposal requirements of any district or area;
- (d) formulate proposals for meeting the existing and future water supply or sewage disposal requirements of any district or area;
- (e) carry out surveys of the demand for sewerage facilities;
- (f) investigate and make recommendations to the Minister relating to the improvement, preservation, operation and utilisation of sewerage facilities, and the provision of additional sewerage facilities;

- (g) furnish to the Minister such information relating to water resources or water supplies or sewerage facilities as is available;
- (h) with the prior written approval of the Minister, from time to time, fix, levy and collect fees, rates and charges for water supplied and the use of the sewerage system, and for all other services performed and facilities provided by the Authority; and may
- (i) with the concurrence of and subject to such limitations as may be imposed by the Ministry of Finance, borrow money or obtain credit in Grenada or in any other country;
- (j) create, make, draw, accept, endorse, execute, issue, discount, buy, sell, negotiate and deal in bills, notes, warrants, coupons, stock, debentures and other negotiable or transferable instruments.

### **The Authority to provide a satisfactory supply of water**

7. (1) The Authority shall, unless prevented by drought, reduced rainfall or any extraordinary event or unavoidable incident or act of God, provide to the public a satisfactory supply of potable water for domestic purposes and a potable or otherwise satisfactory supply of water for agricultural, industrial and commercial purposes and for such other purposes as may be prescribed by the Minister.

(2) For the purposes of subsection (1), the Authority may examine surface or underground water in any public or private place in Grenada to determine whether water pollution exists and, if so, the causes thereof.

(3) In subsection (1), the expression “supply of potable water for domestic purposes” does not include the supply of potable water—

- (a) for animals (other than kept for domestic purposes) or for washing motor vehicles by the operation of a hose;
- (b) for any profession, trade or business, or for use in fountains or swimming pools.

(4) In subsection (1), the duty to supply water for agricultural purposes does not include any duty to supply water for the purpose of watering a household garden.

(5) In subsection (1), the expression “industrial or commercial purposes” means water for use in connection with any professional, trade, business, industrial, or commercial enterprise.

## **PART III**

### *The Board and Staff of the Authority*

#### **Composition of Board of Directors**

8. (1) There shall be a Board of Directors (hereinafter called “the Board”) which shall be responsible for the due performance of the duties imposed and exercise of the powers conferred on the Authority by this Act and for carrying out the policy and general administration of the Authority.



(2) The Board shall consist of the following members—

- (a) a chairperson, and a deputy chairperson, appointed by the Minister;
- (b) four persons of whom one shall be nominated by each of the following Ministers—
  - (i) the Minister of Agriculture,
  - (ii) the Minister of Health,
  - (iii) the Minister of Works,
  - (iv) the Minister of Finance;
- (c) one person nominated by the Private Sector Organisation of Grenada and appointed by the Minister; and
- (d) two persons appointed by the Minister to represent the general public.

(3) A member of the Board shall be entitled to receive such allowances, if any, as may be recommended by the Board and approved by the Minister, and to be paid such travelling and other expenses as he or she may necessarily and reasonably incur in the performance of his or her duties as such member.

(4) The Common Seal of the Authority shall be affixed by the chairperson, or in his or her absence the deputy chairperson, and by the Manager, and a document so sealed shall be authenticated by the signatures of the chairperson or deputy chairperson and the Manager and shall, if it purports to have been so authenticated, be officially and judicially noticed.

(5) The Schedule shall have effect with respect to the procedure of the Board and related matters.

### **Exemption from liability**

**8A.** No action, suit prosecution or other legal proceedings shall be brought or instituted against a director personally in respect of an act done in good faith in the performance or intended performance of his or her duties under this Act.

### **Board shall appoint staff**

**9.** (1) The Board, with the approval of the Minister signified in writing, shall appoint—

- (a) a Manager of the Authority;
- (b) a deputy Manager.

(2) The Board shall appoint such number of staff as it deems necessary or desirable for the efficient carrying out of the duties, and for the proper conduct and operation, of the Authority.

(3) The Board may, subject to any conditions it may specify, discipline, suspend, dismiss, remove and revoke the appointment of staff.

(4) The Board may, subject to any conditions it may specify, delegate to the Manager the authority to employ, suspend or dismiss staff.

(5) Staff shall be entitled to receive such remuneration earned by reason of employment with the Authority, and such allowances, if any, as the Board shall determine.

(6) The Board may engage the services of any professionally or otherwise suitably qualified person as it deems necessary or expedient to employ for the purpose of assisting the Board in the performance of any duty or the exercise of any power of the Authority under this Act.

### **Secondment of public officers and preservation of pensions**

10. (1) The Board may request the Public Service Commission to authorise the secondment of public officers to the Authority.

(2) A secondment in pursuance of subsection (1) shall be treated as a secondment to which Part III of the Schedule to the Pensions Act, Chapter 233, applies and service with the Authority shall be deemed to be pensionable office within the meaning of that Act.

(3) The Authority shall, in respect of a public officer seconded under subsection (1), contribute to the Consolidated Fund such amount by way of pensionable emoluments and personal allowances for the purposes of the Pensions Act, Chapter 233, as the Minister may at any time determine.

## **PART IV**

### *Power of Entry on and Acquisition of Land, etc.*

#### **Control of water**

11. The control of every body of water shall be exercised by the Authority in a manner designed to achieve the purposes of this Act.

#### **Right to use water vested in the Authority**

12. The right to the use of every body of water is vested in the Authority and no person shall divert, abstract, obstruct or use water from a body of water otherwise than under or by virtue of the provisions of this Act.

#### **Right to use water may not be otherwise acquired**

13. Subject to section 12, no conveyance, lease or other instrument executed after the appointed day shall be effectual to convey, assure, demise, transfer or vest in any person other than the Authority any property or right or interest or privilege in respect of any body of water.

#### **Land acquisition**

14. (1) The Authority may, if the Board is satisfied that it is in the public interest to do so, purchase by private treaty land or other property for any purpose connected with the discharge of its duties; in particular, land or other property may be purchased for the protection, conservation, treatment, improvement, installation or use of water and sewerage facilities.

(2) At the request of the Board the Minister may promote legislation for the compulsory acquisition by the Authority of private property reasonably required for the purposes of waterworks and sewerage works, and any acquisition of property under this provision shall be deemed to be an acquisition for public purposes.

(3) In subsection (1), the expression "land" includes easements and other rights over land.

(4) The right to acquire private property under subsection (2) shall include a right on the part of the Authority to acquire, subject to the provisions of section 42, any necessary way-leave.

(5) For the purposes of the acquisition of a way-leave under this section, legislation providing for the compulsory acquisition of private property shall have effect and shall be construed as if reference contained therein to land includes, where the context so requires, reference to any necessary way-leave under this Act.

(6) Where the Authority acquires a way-leave over land neither the owner nor the occupier nor any other person shall construct anything whatsoever whether temporary or permanent over or across works built or maintained by the Authority in the lawful exercise of its rights over the land without the written consent of the Authority.

#### **Power to enter upon property**

15. A person duly authorised by the Board may enter upon property to take measures for the purposes of protecting, conserving or regulating water, or preserving water from pollution or preventing the diversion, wastage, pollution, or illicit use, of water.

#### **Power to enter land**

16. (1) A person duly authorised by the Board may, at any reasonable time—

- (a) enter land for the purpose of performing any duty under this Act whether in relation to that land or not;
- (b) enter land to inspect or survey it and inspect any articles thereon for the purpose of determining whether, and if so in what manner, any duty of the Authority is to be performed in relation to the land, or whether any statutory provision relating to such duty is being or has been complied with.

(2) A person duly authorised under subsection (1) may be accompanied by such number of other persons, and may take with him or her such equipment, as is necessary.

(3) No person authorised to enter land for the purposes specified in subsection (1) shall enter without first giving to the owner or occupier or the responsible person managing or in charge of the land reasonable notice, whether written or verbal, of his or her intended visit and the purpose thereof:

Provided that such person may enter without giving notice if he or she—

- (a) has reasonable cause to believe that some provision of this Act or subsidiary legislation made thereunder has been or is being or is about to be contravened;

(b) is unable to give notice within a reasonable time having regard to all the circumstances; or

(c) has reasonable grounds for not giving notice,

and provided further that persons entering, whether notice has been given or not, shall cause as little damage as possible and then only where the causing of damage is unavoidable for the purpose of exercising the power under subsection (1).

(4) Compensation shall be paid by the Authority to the owner of land or property to which actual injury is caused by measures taken under the powers conferred by this section or section 15 other than measures for the prevention of wastage, the stopping or removal of an unauthorised diversion, abstraction or obstruction, the prevention of pollution of water or preventing an illicit connection or damage to the sewerage system. If the parties are not able to agree the amount of compensation, the amount shall be determined by arbitration in accordance with the Arbitration Act, Chapter 19.

(5) A person who prevents, hinders or obstructs a duly authorised person from entering land or upon any property or from lawfully carrying out his or her powers under this section or section 15 shall be guilty of an offence and liable, on summary conviction, to a fine of two thousand dollars or, in default of payment, to imprisonment for a term not exceeding six months.

#### **Power to construct works on land**

17. The Authority, after reasonable notice has been given to the landholder concerned, if it appears to the Board to be necessary to protect water resources or sewerage, may construct and maintain upon the land such works as it considers necessary or desirable for—

(a) the protection of the source or course of any body of water;

(b) the disposal or control of flood water;

(c) the conservation and storage of water;

(d) the distribution, apportionment or measurement of water; or

(e) the collection, treatment and disposal of sewerage.

#### **Compensation for land after construction of works**

18. The Authority shall pay compensation to the owner of land on which works are constructed under section 17. In assessing the amount of such compensation the Board shall take into consideration any benefit or betterment which has accrued to the land by the construction of the works and any adverse effect on such land caused by those works.

#### **Liability of Authority for damage to public works**

19. The Authority shall be liable for and shall make good all damage to any public works which may be occasioned by reason of the works of the Authority being defective in construction, or out of repair or of insufficient capacity and, if the public works are not made good after notice to do so has been served on the Authority by the Minister for the time being responsible for public works, he or she shall cause such damage to be made good and the cost of so doing shall be deducted from any rates or other monies owing or payable to the Authority by the Government.

**Power to assess and impose charge upon person who benefits from construction of works**

20. (1) Where works are constructed under section 17 any person who, in the opinion of the Board, has benefited by the construction of such works shall, if so decided by resolution of the Board, pay to the Authority a charge for such benefit and the amount of the charge shall be assessed by the Board.

(2) If a person aggrieved by a decision or assessment made under the provisions of this section lodges with the Board an objection, the matter shall be determined by arbitration.

**Protected areas**

21. Where the Minister, after consultation with or on the advice of the Authority, is satisfied that special measures are necessary for the protection of the public water resources in or derived from specified areas, he or she may by notice in the *Gazette* specify and declare such area or any part thereof to be a protected area and may, by the same notice, require, regulate or prohibit the doing by any person in such specified area, or part thereof, of any act to the extent which he or she considers necessary for the protection of such area or for the protection of the water supplies obtained therefrom, and any person who knowingly contravenes the provisions of any such notice commits an offence against this section and is liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for twelve months.

**Offence of obstruction**

22. A person who hinders or obstructs an employee or agent of the Authority in the performance of his or her functions under this Act is guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for three months.

**Sewerage and sewage disposal**

23. (1) The Authority is empowered, in accordance with the provisions of this Act and the regulations, to provide such public sewers as may be necessary and to make such provision, by means of sewage disposal works, marine treatment or otherwise, as may be necessary for effectively dealing with sewage.

(2) In discharging its functions under this section the Authority shall comply with the Public Health Act, Chapter 263, and the Public Health Regulations.

(3) In particular, and without prejudice to the generality of subsection (1), the Authority may—

- (a) prepare schemes for sewerage and sewage disposal services and construct, maintain and operate such schemes;
- (b) design, construct, acquire, operate and maintain works for receiving, treating and disposing of sewage;
- (c) control and regulate the disposal of sewage by means of treatment plants that are not part of any sewerage system of the Authority; and

- (d) disseminate information and advice with respect to the installation, maintenance and management of such sewage treatment plants as are mentioned in paragraph (c).

(4) On the appointed day the sewerage authority constituted under the St. George's Sewerage Act, Chapter No. 269 of 1958, is dissolved.

(5) The Authority may adopt or take over the operation of any such sewage treatment plants as are mentioned in subsection (3)(c) on such terms as may be agreed between the Board and the owner thereof.

(6) The Authority shall as soon as reasonably practicable make regulations governing the making of connections to public sewers, prohibiting or controlling the discharge of certain effluents to public sewers and prohibiting unauthorised connections to such sewers.

## PART V

### *Financial Provisions*

#### **Funds of the Authority and exemption from duties and taxes**

24. (1) The funds of the Authority shall include—

- (a) such sums of money as may be granted to the Authority by Parliament or any agency;
- (b) all amounts which, on the appointed day are at the disposal of or belong to the Central Water Commission established by section 4 of the Water Supply Act, No. 23 of 1969;
- (c) sums accruing to the Authority by virtue of the performance of its duties under section 6(3)(h);
- (d) any monies borrowed under the authority of section 6(3)(i);
- (e) such monies as the Ministry of Finance may, from time to time, approve as funds of the Authority.

(2) All monies of the Authority, including monies raised on loan or grants received for the purposes of this Act, shall be paid into an account in the name of the Authority in accordance with directions of the Board.

(3) All monies received by the Accountant-General for the Authority shall be paid into a fund to be called the National Water and Sewerage Authority Fund and shall be at the disposal of the Authority on demand.

(4) Notwithstanding the provisions of any other written law, the Authority is exempted from payment of import duty, stamp duty, income tax, real property tax, and any levy, and any other duty or tax whatsoever.

#### **Estimates to be prepared and submitted**

25. The Board shall, within three months after the 30th of June in each year, cause to be prepared and submitted to the Minister a written estimate for the ensuing year containing details—

- (a) of the anticipated revenue of the Authority from all sources which shall be separately specified therein;

- (b) of the anticipated expenditure of the Authority which shall be specified in respect of each of the separate activities of the Authority.

### Financial year of the Authority

26. (1) The financial year of the Authority is the twelve month period beginning on the 1st day of January and ending on the 31st day of December.

(2) The Board shall, not later than four months before the commencement of each financial year and in such form as the Minister requires, prepare in respect of the financial year, and submit to the Minister, a proposal for a business plan for the financial year that must contain—

- (a) a statement of the Authority's objectives and priorities in carrying out its responsibilities for the financial year and the following two financial years;
- (b) a comprehensive business plan that—
  - (i) shows how resources, including but not limited to financial resources, will be allocated to meeting the objectives and priorities of the Authority for the financial year, and
  - (ii) includes *pro forma* financial statements as required by the Minister;
- (c) a comparison of the *pro forma* financial statements with the actual financial statements for the previous financial year;
- (d) a statement as to how the Authority proposes to measure its performance in carrying out its responsibilities in the financial year; and
- (e) any other information required by the Minister by written notice to the Board.

(3) The Minister shall, on request of the Board, extend the time for submitting a proposal for a business plan.

(4) The Minister shall, as soon as practicable, consider the proposal for a business plan and may—

- (a) approve the proposal as submitted;
- (b) with the approval of the Board, amend the proposal and approve it as amended; or
- (c) refer the proposal back to the Board with directions that the Board take any further action with respect to it that the Minister considers appropriate.

(5) Where the Minister refers the proposal for a business plan back to the Board under subsection (4), he or she shall provide the Board with his or her reasons for not approving it.

(6) A proposal for a business plan that is referred back to the Board under subsection (4)(c) shall be resubmitted to the Minister as directed by the Minister and, when it is resubmitted, subsections (4) and (5) apply.

(7) When a proposal in relation to a financial year is approved by the Minister, it becomes the business plan for that financial year.

## (8) The Board—

- (a) may, of its own motion, submit to the Minister a proposal to amend an approved business plan; and
- (b) shall, on request of the Minister and within the time required by the Minister, submit to the Minister a proposal to amend an approved business plan.

(9) Subsections (4), (5), (6) and (7) apply to a proposal submitted to the Minister under subsection (8).

**Board obligated to implement business plan****26A.** The Board—

- (a) shall in each financial year implement the business plan for that financial year; and
- (b) establish a mechanism for monitoring the implementation of the business plan.

**Accounts****26B.** (1) The Board shall—

- (a) keep proper books of account of its income and other receipts and expenditures; and
- (b) ensure that—
  - (i) all money received is promptly and properly brought to account,
  - (ii) all payments out of its money are correctly made and properly authorised, and
  - (iii) adequate control is maintained over its property and over the incurring of liabilities by the Authority.

## (2) The books of account kept under subsection (1) shall—

- (a) be sufficient to record and explain the Authority's transactions;
- (b) enable the Authority's financial position to be determined with reasonable accuracy at any time; and
- (c) be sufficient to enable financial statements to be prepared and audited in accordance with this section.

(3) Within three months after the end of each financial year, the Authority shall cause to be prepared—

- (a) the following financial statements together with proper and adequate explanatory notes—
  - (i) a statement of the assets and liabilities of the Authority at the end of the financial year,
  - (ii) a statement of the revenue and expenditure of the Authority during the financial year,



- (iii) such other financial statements for the financial year as may be specified in writing by the Minister; and
  - (b) an annual report of the Authority on the implementation of the business plan and such other matters as the Board considers advisable or the Minister directs.
- (4) Without delay, after the completion of the financial statements and the annual report, the Board shall furnish a copy of each to the Director of Audit.

#### **Audit by Director of Audit and report to the House of Representatives**

**26C.** (1) Not later than three months after receipt of the financial statements and annual report from the Board, the Director of Audit shall audit the financial statements in accordance with the Audit Act, Chapter 22A.

(2) Without delay, after the completion of his or her audit of the Authority, the Director of Audit shall submit a copy of his or her report together with the financial statements and annual report to the Minister and the Board.

(3) The Minister shall, not later than seven days after the House of Representatives first meets after he or she has received the report together with the financial statements and annual report of the Authority, lay it before the House of Representatives.

(4) If the Minister of Finance fails to lay the report together with the financial statements and the annual report of the Authority before the House of Representatives in accordance with subsection (3), the Director of Audit shall transmit the report, the financial statements and the annual report to the Speaker who shall, as soon as practicable, present them to the House of Representatives.

(5) As soon as reasonably practicable after the report together with the financial statements and the annual report of the Authority have been laid before the House of Representatives, the Board shall cause the report, the financial statements and the annual report of the Authority to be published in the *Gazette*.

### **PART VI**

#### *Rates, Charges and Fees*

#### **Water supply and sewerage areas**

**27.** (1) For the purposes of the performance of its duties under section 6(3)(h), the Authority shall recommend to the Minister the establishment of water supply and sewerage areas by reference to defined limits or some other specific description.

(2) The Minister shall, by Order, establish water supply and sewerage areas based on recommendations made to him or her under subsection (1) and every such Order shall contain reference to the defined limits or other specific description of each area that it concerns.

(4) In determining rates, charges or fees the Board may take into consideration, whether generally or in respect of a particular period, any or all of the following matters—

- (a) whether the Authority's revenue derived from all its sources is sufficient to cover the Authority's expenses;
- (b) the interest payments to be made by the Authority;
- (c) the repayments of principal to be made by the Authority on any loan secured under this Act;
- (d) the amounts that the Board thinks ought to be set aside for the Authority's purposes, including amounts for capital expenditure, depreciation and reserve funds;
- (e) the purposes for which water supplied by the Authority is to be used;
- (f) in the case of water supply, sums required to meet such proportion as the Board thinks fit of the annual costs of protecting, maintaining, improving or rehabilitating catchment areas from which water used by the Authority is obtained;
- (g) the extent to which water supply and sewerage is used by the public and, in the case of any particular consumer, the extent to which that particular consumer makes use of the water supply or sewerage system.

#### **Separate or combined rates, etc., chargeable**

29. Separate or combined rates, charges or fees may be fixed for the various services provided by the Authority.

#### **General provisions regarding rates, charges and fees**

30. Without prejudice to any of the provisions of section 27, 28 or 29, rates, charges or fees in respect of water supply or sewerage services may be fixed—

- (a) which impose a general rate in respect of all the land, houses and buildings situated within a particular area, so long as any part of that area is provided with water supply or sewerage services;
- (b) which impose, in addition to a general rate, rates or charges in respect of all land, houses or buildings provided with sewerage or, if sewerage is not provided, wherever there exists a septic tank or similar disposal method;
- (c) which impose a minimum annual rate or charge in respect of any land or class of land within a catchment area or sewerage area;
- (d) in relation to water supplied as measured by meter;
- (e) for the taking of water from any fire hydrant;
- (f) for the issuing or renewal of any permit or licence by the Authority.

#### **Fire service**

31. There shall be no charge for water used by an official fire service in Grenada in cases of fire or any other emergency.

**Unauthorised use of Authority's works forbidden**

32. (1) No person shall, without the written permission of the Authority, cause or allow—

- (a) any works to be connected to the works of the Authority;
- (b) the alteration, extension or removal of any works that are connected to the works of the Authority;
- (c) water supplied to any person to be supplied by that person to any other person through subsidiary connections; or
- (d) anything to be discharged into the works of the Authority.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for three months.

**Recovery of debts and cutting off supplies**

33. (1) All rates, charges, fees, compensation, damages, costs, expenses or other sums due to the Authority under the provisions of this Act may be recovered by the Authority as a civil debt.

(2) The Board is hereby empowered to issue general or special directions to cut off and stop the supply of water to any premises or to disconnect any sewerage connection to its works in respect of which any water supply rate, or any charge for sewerage, or other related charge is in arrears, regardless of the institution of any proceedings for recovery thereof, and to continue the stoppage of such supply until all accrued arrears of rates or charges payable in respect of such premises have been paid.

**Standpipes and public taps**

34. (1) Water used by the public from standpipes shall be considered an obligation and service of the Government the cost of which shall be assessed by the Authority and made payable by the Government monthly.

(2) The Authority may at any time close any public tap which is habitually left running, or is otherwise in such a condition, as to cause waste or misuse of water.

**Provisions as to the liability for rates and charges of owners and occupiers of premises**

35. (1) Notwithstanding any agreement between the owner and occupier of premises, the Authority may recover rates or charges payable for water or sewerage in respect of the premises from the owner or occupier jointly or severally.

(2) If the occupier, as between himself or herself and the owner of premises, is not liable to pay water or sewerage rates or charges in respect of the premises but is required by the Authority to, and does, pay the same, he or she shall be entitled to deduct from the rent payable by him or her to the owner the sum paid by him or her if it was payable by the owner in respect of the premises.

(3) If the owner, as between himself or herself and the occupier of premises, is not liable to pay water or sewerage rates or charges in respect of the premises but is required

by the Authority to, and does, pay the same, he or she shall be entitled to recover, as if it were additional rent, the sum paid by him or her if it was payable by the occupier in respect of the premises.

(4) Unpaid rates and charges shall be a lien against the premises in respect of which the debt is incurred.

## PART VII

### *Catchment Areas*

#### **Defining limits of catchment areas and reservation of same**

36. (1) Catchment areas limited, marked out, or defined as such for waterworks existing and vested in the Government on the appointed day remain vested in the Government.

(2) Catchment areas for waterworks other than waterworks referred to in subsection (1) may be determined in accordance with regulations made under this section by the Authority:

Provided that a map showing clearly the dimensions and limits of such catchment areas shall be drawn and kept for public reference at the office of the Authority, and notification of the completion of such map shall be published in the *Gazette*.

#### **No building to be erected on catchment area**

37. No building or any other construction used or intended to be used temporarily or permanently as a dwelling or for any other purpose shall be erected on any catchment area unless erected by or on behalf of the Authority for its own purposes.

#### **Catchment areas to be retained as forest reserves**

38. Catchment areas for the protection, conservation and maintenance of which the Chief Forestry Officer is responsible under any other written law shall be retained as forest reserves.

#### **Catchment areas to be reserved for augmenting water supply**

39. If the Minister, upon the recommendation of the Board, decides that a catchment area is required for the purposes of preserving, extending or augmenting the water supply, the Authority shall cause the dimensions and limits thereof to be mapped and publicised as provided in section 36(2); thereafter land not then already leased or sold by the Crown shall not be granted, devised or otherwise disposed of within such limits for any purpose whatsoever, save and except only to the Authority for its own purposes.

#### **Power of Authority to carry out works, etc., which concern a public body**

40. (1) The Authority, its agents and employees, after the giving of reasonable notice in writing to a public body, shall have the right and the power to construct or place any part of its works, projects, undertakings, or property, or to operate maintain and extend the same across, in, over, under, through or along any street or any land which may now or hereafter be the property of the public body without obtaining any franchise or permit therefor:

Provided that the Authority shall obtain the consent of the Chief Technical Officer (Works) with respect to construction affecting any street:

And provided further that the Authority shall, as far as possible, restore the street and the land to their previous condition and shall not use the same in a manner unnecessarily to impair their usefulness.

(2) Whenever it becomes necessary to relocate installations of the Authority, situated on a street or in any other place, by reason or in consequence of the execution of public works the responsibility of any public body, the cost of relocation shall be considered as part of the expenditure to be borne by the public body and shall be paid or reimbursed to the Authority by the body according to the system in force with respect to payments for the execution of public works:

Provided that if the Board considers that the relocation is an improvement or an enlargement of the waterworks, the Authority shall itself bear the additional cost resulting therefrom.

## PART VIII

### Miscellaneous

#### Acquisition of property by agreement, and power to enter for survey, etc., purposes

41. (1) The Minister may, if so requested by the Authority, move to have acquired for the purpose of waterworks any spring, stream, or water and any land which may be reasonably required for that purpose, and to that end the appropriate acquisition authorities may negotiate and contract with the owner of such spring, stream, water, or land and with all parties having an estate or interest in the same, for the purchase of such spring, stream, water or land and all such rights, estates and interests into and over the same, as may be required.

(2) *Power of Authority to enter land for purposes of survey, etc.*—For the purpose of ascertaining the practicability or expediency of performing a duty or exercising a power under this Act, it shall be lawful for any employee or agent of the Authority acting on the written authority of the chairperson—

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

Provided that—

- (i) except in cases in which the Minister has directed notification in the *Gazette* that the powers conferred by this subsection may (subject to the next succeeding provision) be exercised without notice, no person so acting shall enter upon land without giving at least three days' notice in writing to the occupier,
- (ii) no such person shall, in any event, enter any building without the consent of the occupier thereof unless at least three days' notice in writing has been served on the occupier, and
- (iii) adequate compensation shall be paid for any loss, damage or injury caused by reason of the exercise of the powers conferred by this subsection.

**Compulsory acquisition of way-leave**

42. (1) Subject to and in accordance with the provisions of this section the Minister, if so requested by the Authority and if he or she deems it necessary or desirable, may acquire a way-leave over land to enable the Authority to perform a duty or exercise a power under this Act.

(2) Whenever the Authority intend that a way-leave over land be acquired, the Board shall cause to be prepared—

- (a) a detailed description (in this section referred to as “the description”) of the proposed way-leave, including the period for which it is sought (if it is sought for a fixed period), its location, and the purposes intended to be secured by it; and
- (b) a survey plan (in this section referred to as “the plan”) indicating the location of the intended way-leave.

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

- (a) by publication, in not less than three issues of a newspaper regularly published and circulating in Grenada, of a notice setting forth the description, naming a place where the plan may be inspected, and specifying the time (which shall not be less than fourteen days from the date of the last of the publications) and manner in which objections may be made; and
- (b) by causing a like notice to be exhibited conspicuously in a convenient place or places in or near the location of the proposed way-leave not later than the date of the last of the publications.

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

(5) When the plan and description have been approved by the Minister, the Authority may proceed to acquire the way-leave by publication in the *Gazette* of a notice that the way-leave, as so approved, has been acquired by the Authority on the date of publication.

**Power of entry of persons specially authorised by the Authority**

43. It shall be lawful for any person specially authorised by the Authority to enter upon land and premises on which the source of any water supply is located and also upon land or premises through or under which a pipe or the line of a pipe passes or is intended to pass. Such person shall not, if he or she has acted within the terms of his or her authorisation, be subject or liable to any action, suit or proceeding, fine, penalty or punishment, for or in respect of such entry or his or her continuing presence upon such land or premises.

**Sinking of wells and boreholes, and provisions for issue of licences and permits**

44. (1) No person shall—

- (a) sink a well or borehole or deepen an existing well or borehole with the object of abstracting underground water therefrom or of using the well or borehole for the disposal of sewage or other waste, or engage in any part of such operations, or cause or permit any other person to do any of the foregoing except in compliance with the express or implied conditions of a permit in writing granted by the Authority;
- (b) abstract underground water from an existing well or borehole or use the well or borehole for the disposal of sewage or other waste, or cause or permit any other person to do any of the foregoing except in compliance with the express or implied conditions of a licence granted by the Authority;

Provided that, in case of any well or borehole in existence immediately before the appointed day and which is then in use for the abstraction of underground water or the disposal of sewage, water or other waste, a licence authorising the continuation of such use shall not be required until the expiration of one month from the appointed day or, if application is meanwhile made for a licence, until the application is disposed of by the Authority.

(2) Application for a permit or licence mentioned in subsection (1) shall be made in writing to the chairperson and shall be in such form and shall contain such particulars verified in such manner as the Authority may generally or specifically require. Without prejudice to the generality of this provision, particulars may be required to be given and verified as to the water bearing capacity of aquifers (if such capacity is in question) and of all relevant geological data as to the outcrop area near the site of the existing or, as the case may be, proposed well or borehole.

(3) A licence to abstract underground water shall not be refused in the case of a well or borehole in existence immediately before the appointed day and which is then in use for the abstraction of underground water.

(4) Subject to the provisions of subsection (3), the Authority—

- (a) may refuse a permit—
  - (i) if the purpose for which the well or borehole is to be sunk, deepened or converted is one which, if carried into effect, may, notwithstanding any conditions or restrictions which could properly be imposed, be a source of danger to health and lead to contamination of any source of water (including the well or borehole in question) or prejudice the reasonable conservation, control or exploitation of underground sources of water, or
  - (ii) where the purpose for which the well or borehole is to be sunk, deepened or converted is the abstraction of water, for the reason that a suitable water supply from the Authority is already available or will be available within a reasonable period;
- (b) may refuse a licence if the purpose for which the licence is sought is open to any of the objections mentioned in paragraph (a)(i) of this subsection or,

where the licence is for the abstraction of water, for the reason that a suitable water supply from the Authority is already available or will be available within a reasonable period.

(5) There may be attached to a permit or licence any conditions or restrictions that are appropriate to prevent danger to health or danger of contamination of a source of water (including the well or borehole in question) or any prejudice to the reasonable conservation, control or exploitation of underground sources of water; and, without prejudice to the generality of the foregoing all or any of the following conditions or restrictions may be attached to a licence to abstract underground water from a well or borehole namely—

- (a) that the pumping of water out of the well or borehole shall be carried out at such times and at such rate as the Authority may, from time to time, fix;
- (b) that the water from the well or borehole shall not be sold to any person or be used or permitted to be used by any person except the holder of the licence and members of his or her household or establishment;
- (c) that the water shall not be used or permitted to be used for drinking (whether alone or as an ingredient in any food or drink) unless the permission in writing of the Chief Medical Officer has been obtained, and that the water shall cease to be used or permitted to be used if the Chief Medical Officer certifies that the water is no longer fit for human consumption:

Provided that nothing in this paragraph shall be deemed to prohibit use of the water for drinking as aforesaid if the water is first purified in accordance with the directions of the Chief Medical Officer and to his or her satisfaction;

- (d) that samples of the water obtained shall be submitted to the Authority at any time the Authority may require.

(6) The following shall be implied conditions of a permit or licence granted under this section, namely—

- (a) that the Authority or any person authorised by the Authority shall have the right of access to, and the right to inspect, the well or borehole, or the pumping apparatus used in connection therewith, and the right to call for and obtain such data (including geological data) in connection with the well or borehole as it is reasonably practical to obtain;
- (b) that the Authority shall have the right to cancel the permit or licence, or to vary or add to the conditions or restrictions thereon if its continuance in force without such variation or addition would be open to any of the objections mentioned in subsection (4);
- (c) that the permit or licence may be cancelled by the Authority in the event of a conviction under section 46 for the contravention of a restriction or condition expressed or implied in the permit or licence.

(7) Every permit issued under this section shall be valid, unless previously cancelled, for such period as may be specified therein or for such further period as the Authority may allow in special circumstances.



(8) Every licence issued under this section shall expire on the thirty-first day of December following the date of issue unless previously cancelled:

Provided that if, before that date, application for a renewal of the licence has been made, the licence shall remain in force until such application is disposed of by the Authority.

(9) Permits and licences shall be in such form as the Authority, subject to the provisions of this section, may generally or specifically approve.

#### **Permits and licences to be personal to grantee unless endorsed**

45. (1) Subject to such endorsements as may be made from time to time by the Authority, a permit or licence shall be personal to the grantee.

(2) Every person who shall, from time to time, become entitled, by endorsement as aforesaid, to the benefits of a permit or licence shall be bound also by the implied conditions and any express conditions or restrictions thereon.

#### **Penalty for offences against section 44**

46. A person who contravenes any of the provisions of section 44 shall be guilty of an offence and liable, on summary conviction, to a fine of five hundred dollars, and to a fine of fifty dollars for each day during which the offence continues.

#### **Power of Authority to cause wells and boreholes to be made safe**

47. (1) If a well or borehole which has been constructed or used for the abstraction of underground water or the disposal of sewage, water or other waste is not used for those purposes the Authority may, by notice in writing served on the owner of the land in which the well or borehole is situate, require the owner to plug or fill the well or borehole or otherwise to make it safe to the satisfaction of the Authority within such period as may be specified in the notice or such further period as the Authority may allow. If the owner of the land fails to comply with such notice, any employee or agent of the Authority, acting on the written instructions of the Authority, may enter the land and plug or fill the well or borehole, or otherwise make it safe, to the satisfaction of the Authority.

(2) An owner aggrieved by any requirement contained in a notice under subsection (1) shall have a right to appeal against such requirement to the Minister whose decision shall be final.

(3) The expenses of the Authority reasonably incurred in the exercise of the powers conferred by this section shall be a debt due by the owner of the land in question to the Authority and shall be a charge on the land.

#### **Power of Authority in cases of contravention of section 44**

48. (1) If a well or borehole has been sunk, deepened or converted, or if any part of any such operation has been carried out, in contravention of the provisions of section 44, or if a well or borehole is used in contravention of that section and a person has been convicted under section 46 in respect of any such contravention, if the Authority thereafter gives to the owner and occupier of the land on which the well or borehole is situate at least three days' notice that its officers, employees or agents will be entering such land, after the expiry of such notice its officers, employees, or agents may enter on the land and plug or fill the well or borehole, or otherwise render it safe, to the satisfaction of the Authority.

(2) The provisions of section 47(2) and (3) apply, *mutatis mutandis*, to this section.

**Exception as to shallow-dug wells, etc.**

49. Notwithstanding the preceding provisions of this Act—

- (a) a permit is not required to sink a shallow-dug well;
- (b) a permit is not required to deepen or convert a shallow-dug well unless after the well has been deepened or converted it will cease to be a shallow-dug well;
- (c) a licence is not required to abstract water from a shallow-dug well unless such well is used or intended to be used to provide water for drinking purposes;
- (d) a permit or licence is not required in relation to any well or borehole used or intended to be used for the disposal of sewage water or other waste when the depth of such well or borehole is not more than five feet:

Provided that the Minister may, by Order, declare an area to be one within which permits and licences must be obtained even if the depth of any well or borehole as aforesaid does not exceed five feet.

**Minister may give directions**

50. The Minister may, after consultation with the Board, give to the Board general guidelines or guidelines of a specific nature relating to the policy of the Government with regard to water supply and sewage disposal; and the Board shall be obliged to follow such guidelines in the performance of the duties and exercise of the powers of the Authority.

**Financial assistance for families earning low income**

51. (1) Subject to regulations under section 52 the Authority may not connect any person to the water supply or sewerage system free of charge.

(2) The Minister may establish a fund, out of monies voted for the purpose by Parliament, to assist families earning a low income to finance domestic water and sewerage installations; and the Minister may make regulations governing the operation of that fund.

**Regulations**

52. (1) The Authority may, with the approval in writing of the Minister, and subject as directed by the Minister, make regulations generally for the purposes of this Act and in particular for—

- (a) regulating and controlling the type, specification, location, construction, repair, removal or alteration of any water main, service pipe, valve, hydrant, standpipe, and any other work in or upon premises that form part of or are connected with waterworks;
- (b) regulating and controlling the manner in which the service pipes of users of water are to be connected to water mains;
- (c) regulating and controlling the location, construction, repair, removal or alteration of any sewer, drain-pipe, manhole, gully trap, and any other work in or upon premises that form part of or are connected with sewage works;

- (d) requiring the connection of the sewers of buildings to sewage works, and regulating and controlling the manner in which the sewers of buildings are to be connected;
- (e) regulating and controlling the content of sewage entering sewage works;
- (f) prescribing standards of quality for potable and other water supplies, sewage and industrial waste effluents, receiving streams and watercourses;
- (g) prescribing operating standards for waterworks and sewage works;
- (h) prescribing measures for ensuring the purity of water supply;
- (i) regulating and controlling the use of water from any source of supply;
- (j) authorising the inspection of works, land and premises;
- (k) governing the execution and maintenance of works for the purpose of sewerage or sewage disposal, or necessary for the purpose of land drainage or soil conservation, or for the purpose of more effectively collecting, conveying or preserving water or preserving the purity or quantity thereof;
- (l) governing the issue of permits authorising the diversion, abstraction, or obstruction of any water supply, or the use of water, upon such terms and conditions as may be specified therein, regard being had to the extent to which the authorisation would be likely to interfere with the domestic requirements of other users of the supply, or the water, as the case may be;
- (m) prescribing the forms to be used under this Act or the regulations;
- (n) prescribing the manner of connecting the supply of water or sewerage services to premises;
- (o) enabling the installation of prescribed meters for the purpose of measuring the quantity of water supplied to any property and conferring power on persons to enter property for the purpose of installing, reading, inspecting or testing such meters;
- (p) prescribing the security to be furnished by applicants desiring to obtain water supply or sewerage services;
- (q) prescribing fees, rates and charges payable in respect of water, and water supply and sewerage services;
- (r) prescribing special fees, rates and charges payable in respect of water supplied for agricultural, industrial, commercial, and other purposes to be specified, and for ships;
- (s) defining, as may be required, different areas of Grenada in which such fees, rates and charges shall or shall not be levied;
- (t) exempting specified classes of persons from the payment of fees, rates and charges for water, or water supply or sewerage services;
- (u) granting discounts or rebates in consideration of prompt payment of any fees, rates or charges but so that such discounts or rebates shall be at the same rate under like circumstances to all persons;

- (v) empowering the Authority, after reasonable notice given in writing, to disconnect a water supply to any property in respect of which there remain unpaid, any water or sewerage rates; and
- (w) any other matter or thing, whether similar to any of the foregoing or not, for the purpose of the better carrying out of the purposes and provisions of this Act.

(2) Regulations under subsection (1) may be made applicable either generally or with respect to any specified water supply or sewerage area established under section 27(2) or to any defined part thereof, and for the purposes of this subsection “area” includes any area the limits or description of which have been varied pursuant to section 27(3).

(3) If within three months after being directed by the Minister to make regulations the Authority fails to do so in relation to all or any of the matters specified in the direction the Minister may revoke the direction and may himself or herself make the regulations; and whilst those regulations are in force, the Authority may not make regulations concerning matters included in the regulations made by the Minister.

(4) Regulations made by the Minister under subsection (3) shall have effect as if they had been made by the Authority.

(5) Regulations made under this section shall bind the Government.

(6) The Minister acting upon the advice of the Authority may, by Order, exempt any person from the regulations or any of them made under this section or any provision thereof.

(7) Regulations made under this section may include provisions for—

- (a) the alteration, repair or replacement of any installation or fitting which contravenes the regulations;
- (b) the disconnection of the water supply to any property in respect of which any contravention of the regulations has occurred.

(8) Regulations made under this section may fix separate charges for separate services or facilities, or combined charges for more than one service or facility; and nothing in any enactment or in any agreement or arrangement shall operate, in relation to the Authority, so as to require the fixing of separate charges for separate services or facilities.

(9) Regulations under this section may be given retrospective effect.

#### **Penalty if water or sewerage connection made without permission**

53. If it is found that a connection has been made between premises and the water supply or sewerage system without the permission of the Authority the owner and occupier of such premises shall in the absence of lawful excuse be guilty of an offence and jointly or severally liable, on summary conviction, to a fine of one thousand dollars.

**Offences in protected area**

54. A person who, in an area protected under section 21—

- (a) swims or bathes;
- (b) places, deposits, or discharges material of any kind that is likely to impair the quality of the water; or
- (c) does an act or takes water so that the amount of water in the area is unduly diminished,

shall be guilty of an offence and liable, on summary conviction, to a fine of one thousand dollars and to imprisonment for twelve months, and to a further fine of one thousand dollars in respect of each day or part thereof during which the offence continues after a conviction is obtained.

**Offences at public standpipe**

55. A person who bathes, or washes any animal, clothes or other things, under or within six feet of a public standpipe or uses a hose or other article containing water therefrom to bathe, wash any animal, clothes or other things, shall be guilty of an offence and liable, on summary conviction, to a fine of five hundred dollars and to imprisonment for one month.

**General penalty**

56. A person who commits an offence under the regulations in respect of which no penalty is specifically provided shall, on summary conviction, be liable to a fine of one thousand dollars and to imprisonment for twelve months.

**Act binds the Government**

57. This Act binds the Government.

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SCHEDULE

NATIONAL WATER AND SEWERAGE AUTHORITY ACT

*Procedure of the Board and Related Matters*

[Sections 7 and 8(5).]

**Meetings**

1. (1) The Board shall meet at least once a month.

(2) The meetings of the Board shall be convened by the Chairperson by written notice of the meeting given to each director.

(3) The Chairperson may at any time call a meeting of the Board and shall call a special meeting which shall be held within seven days of a written request for that purpose addressed to him or her by any three directors.

(4) The Chairperson, or in his or her absence the Deputy Chairperson or the person elected by the directors present to act as Chairperson, shall preside at all meetings of the Board.

(5) The quorum of the Board shall be five directors one of whom shall be the Chairperson or Deputy Chairperson.

(6) The decisions of the Board shall be by a majority vote.

### **Committees**

2. The Board may establish committees consisting of members of the Board and other persons to examine and report to it on any matter arising out of or connected with its duties under this Act.

### **Tenure of directors**

3. A director shall hold office for two years and shall be eligible for re-appointment.

### **Resignation of director**

4. (1) A director, other than the Chairperson, may at any time resign his or her office by written notice addressed to the Minister and transmitted through the Chairperson and from the date of the receipt by the Minister of the notice the director ceases to be a director.

(2) The Chairperson may at any time resign his or her office by one month's written notice addressed to the Minister, and such resignation shall take effect on the expiration of one month from the date of the notice.

### **Removal of director**

5. The Minister may at any time revoke the appointment of a director if that director—
- (a) is of unsound mind and is incapable of carrying out his or her duties;
  - (b) is convicted of an offence involving dishonesty;
  - (c) is guilty of misconduct in relation to his or her duties;
  - (d) is absent from three consecutive meetings of the Board without permission of the Board; or
  - (e) fails to carry out his or her duties under this Act.

### **Declaration**

6. (1) A director who is in any way, whether directly or indirectly interested, whether pecuniary or otherwise, in a contract or proposed contract with the Authority or any other matter in which the Authority is concerned, shall declare the nature of his or her interest at the first meeting of the Board at which he or she is present.

(2) A director shall not take part in any deliberation or decision of the Board with respect to any contract or proposed contract with the Authority or any other matter with which the Authority is concerned in which he or she is directly or indirectly interested, whether pecuniary or otherwise.