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Water Resources Act 1996  
NIUE LAWS  
LEGISLATION AS AT DECEMBER 2006

## **WATER RESOURCES ACT 1996**

1996/209 – 20 August 1996

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To make provision for the investigation, use, control, protection and management of water

PART 1  
PRELIMINARY

1 Short title

This is the Water Resources Act 1996.

2 Interpretation

(1) In this Act and any Regulation made under it –

"bore" means any bore, well, gallery, cave or drive or any artificially constructed or improved underground cavity;

"Crown land" means Crown land as defined in section 2 of the Niue Amendment Act (No 2) 1968;

"environment" includes all aspects of the surroundings of man, whether affecting him as an individual or in his social groupings and shall include biological, social and aesthetic factors of those surroundings;

"groundwater" means any water occurring in or obtained from any geological structure or formation permeated or capable of being permeated usually or occasionally with water and includes any matter dissolved or suspended in such water;

"Health Officer" means Public Health Officer or a person authorised in writing on his behalf;

"Manager" means the Director of Works or the Water Manager (Water Resources) is appointed;

"meter" means any device approved by the Manager for measuring the amount of water extracted or used or the rate at which it is extracted or used and includes such fittings and ancillary equipment as may be necessary or desirable to so measure;

"pollution" means any direct or indirect alteration of the physical, thermal, chemical, biological or radioactive properties of any water so as to render such water less fit for any beneficial purpose for which it is, or may reasonably be used, or to cause a condition which is hazardous or potentially hazardous to public health, safety or welfare, or to animals, birds, wildlife, fish or aquatic life, or to plants;

"premises" includes any structure, building or part of building or land with or without buildings;

"private" in the expressions "private water works" and "private sewerage works" shall include any works owned or operated by any person, or Village Council other than a Public Authority, and or the Manager;

"private water works" shall include roofing, spouting, down pipes, rain water holding tank, piping and taps of it. The pipes and all fittings which extend from the main public water supply pipe to the premises of it;

"private sewerage works" shall include the soak hole disposal trench, disposal mound (to cover other possible effluent disposal methods) septic tank, vents, drain pipes, toilet pan, sink, shower, wash and hand basins;

"public water supply" means any waterworks constructed or operated by the Manager for the purpose of supplying water under section 22;

"public authority" includes any Government department or an officer of the Niue Public Service and any statutory body, statutory corporation or officer of it;

"sewerage" means any matter, or any water contaminated by any matter in solution or suspension or carried along, as is derived from the use of water in connection with the life or vocations of mankind;

"sewerage works" includes all sewers, pipes, conduits, tanks, receptacles or other appliances and any works incidental there to be used or intended to be used for the reception, discharge, retention, removal, treatment or disposal of sewage;

"Village Council" means any Village Council established under the Village Councils Act;

"water" includes all groundwater, cave waters, seawater and rainwater;

"water works" includes any bores, catchments, reservoirs, tanks, cisterns, conduits, mains, pipes, meters, valves, hydrants, pumps, engines and all other structures or appliances used or constructed for the storage, treatment, conveyance, supply, measurement or regulation of water.

(2) Subject to subsection (1), words, phrases, and expressions used in this Act and defined in the Constitution or the Land Act 1969 shall, unless a contrary intention appears, have in this Act and Regulations made under it, the meaning so defined.

### 3 Act to bind the Crown

This Act shall apply to the Crown and any public authority and to Crown land.

### 4 Purpose of legislation

(1) The purpose of this Act shall be –

(a) To ensure the optimum development and use of Niue's water resources; and to this end;

(b) To ensure the coordination of all activities which may influence the quality, quantity, distribution, use and management of water; and

(c) To ensure the application of appropriate standards and techniques for the investigation, use, control, protection, management and administration of water resources;

(d) To ensure the proper disposal of any waste products that will pollute our water.

(2) The Cabinet, the Board, the Manager and any person exercising powers under this Act shall have regard to the need to make proper provision for –

(a) Adequate supplies of suitable water for domestic use, for the watering of animals, for irrigation and agricultural purposes, for rural, commercial, industrial use, and for recreation;

(b) Adequate facilities for drainage, the safe disposal of sewage, effluent and water-borne wastes and the control and prevention of pollution and disease;

(c) The protection of natural or artificial sources of water from excessive or improper use, from the intrusion of saline water and from pollution and other damage;

(d) Procedures to ensure that the possible consequences of particular development proposals on the environment are properly investigated and considered before such proposals are approved and are properly monitored thereafter;

(e) Procedures to facilitate and ensure the coordination of all detailed planning for the investigation, use, control, protection, management and administration of water resources; and

(f) Procedures to facilitate and ensure the coordinated execution of approved plans and projects by public authorities.

5 Cabinet may resolve disputes

Subject to this Act, the Cabinet, on the application of the Manager or the Health Officer shall have power to resolve any conflict in the powers of, or any disputes between, any public authorities relating to any matter concerning the investigation, use, control, protection, management or administration of water or any powers conferred by this Act or its Regulations.

6 Cabinet may make dispensations

The Cabinet may, on the joint recommendation of the Manager and the Health Officer, exempt any bore, proposed bore or class of bores from any of the requirements of this Act or of any Regulations made hereunder as long as it does not compromise any health or environmental requirements.

7 Vesting of ground water in the Crown

The right to the use, flow, pipe, store, sale and control to all ground water is vested in the Crown.

PART 2

## GENERAL POWERS OF MANAGER

### 8 Responsibilities of Manager

(1) The Manager shall be responsible to the Minister of Works and subject to this Act, be responsible for –

(a) The investigation and exploration of groundwater resources and the collection of data and dissemination of information relating to it;

(b) The management, conservation, protection and replenishment of water resources;

(c) The construction, alteration, repair and maintenance of bores;

(d) The licensing, inspection, oversight and control of the extraction and use of water from any bore;

(e) The temporary or permanent shutting down or sealing of any bore;

(f) The design, construction, operation, repair, maintenance, management, control and administration of all public water supplies and of all water works comprising such supplies;

(g) The management, protection and treatment by chemicals or by other means of all water contained in such water works, provided that the Manager shall not so treat any such water without the prior consent of the Health Officer as provided for in this Act;

(h) The distribution and sale of water from any public water supply;

(i) The collection of any fees, charges, or rates which may be imposed or levied in connection with the construction, alteration, repair or maintenance of any bore, any licence for the extraction of water or disposal of wastes, or any public water supply;

(j) The carrying out of this Act and any Regulations made under it.

(2) The Manager shall have all powers necessarily incidental to it.

### 9 Power to enter and use lands

(1) The Manager, or any person duly authorised by him and, in the case of paragraphs (b), (d), (e), (f) and (g), the Health Officer, or any person duly authorised by him may enter upon and use any lands at any time for the purpose of –

(a) Carrying out any surveys, including geological and groundwater surveys, necessary for the exploration or investigation of groundwater resources or the collection of data relating to it;

(b) Carrying out any site investigations; including the carrying out pumping tests or any other activity whatsoever as is necessary for the exploration or investigation of groundwater resources;

(c) Carrying out or erecting on it such works or buildings, or depositing on it such material, or erecting such pumps or other equipment for the purpose of exploration or investigation of groundwater resources, or for the purpose of constructing, altering, repairing or maintaining any bore;

(d) Inspecting or monitoring the use of any bore and the taking of samples of water extracted there from in it;

(e) The shutting down or sealing or opening of any bore;

(f) Assessing the need to make any order under section 12 or whether such order is being or has been carried out, or for carrying out any work authorised by that section;

(g) Erecting rain gauges or other instruments for the purposes of collecting hydrometeorological data;

(h) Carrying out any survey necessary for the design, construction or maintenance of water works and public water supplies;

(i) Laying any main, connection, or pipes through, across, or under any land or road;

(j) Inspecting, repairing, maintaining, renewing, altering, removing or testing any main, connection or pipes;

(k) Erecting on it such temporary works or buildings, or depositing on it such materials as may be necessary for the laying, inspecting, repairing, maintaining, renewing, altering, removing or testing of any main, connection pipes or any other water works;

(l) Taking, in any emergency situation, such action as he deems necessary for the proper conservation and protection of groundwater resources:

Provided that no entry shall be made under this section to any land unless verbal or written notice has first been given to the occupier of it.

(2) Where the land is expressly required for a bore site the Manager must consult with the Leviki of the land and seek written agreement for the proposed site for the water bore.

#### 10 Power for entering land and premises

(1) The Manager, or any person duly authorised by him and, in the case of subsection (2), the Health Officer, or any person duly authorised by him may enter upon any land and or premises –

(a) Into or upon which any service is being or has been laid for the supply of water from any water works associated with a public water supply;

(i) To inspect any service and ascertain whether there is any wastage, leakage, obstruction, alteration, interference, or damage to any service or meter in it and to do anything in connection therewith;

(ii) To regulate or repair any service or meter;

(iii) To ascertain the consumption of any water supplied;

(iv) To disconnect the service to any premises;

(v) To suspend, stop or turn off the supply of water to any premises either wholly or in part in order to carry out any of the powers of the Manager under this Act;

(b) To cut and remove on either side of any works, whether existing or proposed, for a distance indicated in the Regulations, any undergrowth, trees or part of any tree including their roots which may interfere or may be likely to interfere with any works;

(c) Should any tree growing on any land cause or likely to cause damage to any works, the Manager may cause notice to be given to the owner of such land to remove the said tree or part of it and should the owner fail to comply with the terms of such notice within the time specified therein (being not less than 7 clear days after the time of the service of that notice), the Manager may enter upon that land and remove the tree or any part of it but so that no unnecessary damage is done or incurred by it.

(d) If the rights conferred by paragraph (b) shall have been exercised in respect of any land no compensation shall be paid in respect of any tree or part of it on such land and cut under the powers conferred by this section;

(e) For the purposes of inspecting any private water works or private sewerage works or for assessing the need to make an order under section 12 or whether such order is being or has been carried out or for carrying out any work authorised by that section.

(2) Except in the case of drought, cyclone, earthquake, or any other emergency, the powers conferred by this section may only be exercised during daylight hours and on informing the occupier if possible.

## 11 Power to impose restrictions

The Manager may, in times of actual or anticipated shortage of water, by notification over television and or radio and or in any newspaper circulating on Niue, shall monitor –

(a) The amount of water which may be extracted or maximum rate at which water may be extracted from any bore, water reservoir, or main pipe line;

(b) The amount of waste which may be disposed of, or the maximum rate at which waste may be disposed of, and any person, public authority or Village Council to whom a licence has been issued under this Act shall thereupon observe the restrictions contained in any such



notice and the terms of any such notice shall be deemed to be a condition of any licence in force under this Act for the period specified in the notice or until such notice is revoked.

## 12 Power to make water conservation orders

(1) Notwithstanding any other provision of this Act or any other legislation, where the Manager or the Public Health Inspector is satisfied that any act or omission by any person or public authority or Village Council may result, directly or indirectly, in the pollution or deterioration, inequitable distribution, loss, wastage or undue depletion of any water, the Manager may by order direct any person, public authority or Village Council, or the owner or occupier of any land, to do any one or more of the following –

(a) To close and shut off the supply of water from any bore, public water supply or private water works;

(b) To restrict or limit the amount of water taken from any bore, public water supply or private water works;

(c) To discontinue the use of any bore or any public water supply, private water works or private sewerage works or any water works associated with it or connected to it;

(d) To treat any sewage or waste in a manner specified in the order;

(e) To prevent the amount of waste entering any ground water, sea or cave in the manner specified in the order;

(f) To use the water extracted from any bore for such purposes as may be specified in the order;

(g) To treat any water extracted from any bore or contained in any public water supply or private water supply in such manner as may be specified in the order;

(h) To do, cease or to refrain from doing any act or thing on any land or to do such act or thing which could or may be likely to harm Niue's water lens, storage or supply, which shall be specified in the order;

(i) To erect such structures or to carry out such works, including water works or sewerage works, or to repair, maintain, alter or remove such structures or works as may be specified in the order.

(2)

(a) In any case where the Public Health Inspector is satisfied that any act or omission by any person or Public Authority may result in, directly or indirectly, the likely pollution or deterioration of Niue's water lens, any water supply or in any threat to public health, or our environment he shall exercise any of the powers granted by the previous subsection;

(b) The Health Officer shall not issue an order with respect to any bore or public water supply under the control of the Manager without prior consultation with the Manager.

(3) If any person, public authority, Village Council or the owner or occupier of any land to whom an order under this section is addressed shall fail to comply with any direction contained in such order within such time as is specified in the order, the Manager or, in the case of an order issued under subsection (2), either the Manager or the Health Officer, may cause the provisions of the order to be carried out and may recover any expenses incurred from the person, public authority, Village Council or owner or occupier of land to whom the order was addressed.

### 13 Power to charge fees

(1) Subject to any regulations made hereunder, the Manager with approval of Cabinet may impose fees or charges for the doing of any act, the considering of any application or the issuing of any licence or approval under this Act and may impose and collect fees, charges and rates –

(a) On any person, public authority or Village Council who extracts any water or disposes of any waste under a licence granted under this Act;

(b) On any person, public authority or Village Council served by the construction, alteration, repair, maintenance or operation of any bore or any public water supply;

(c) On any person, public authority or Village Council to whom the Manager supplies or sells any water under this Act.

(2) Subject to subsection (1) the Public Health Inspector may impose fees or charges for the inspection of any bore or any public or private water supply or sewerage works and for the sampling and testing of any water or waste.

## PART 3

### GROUNDWATER INVESTIGATION PROGRAMME

#### 14 Manager may conduct programme

(1) The Manager may cause a programme of investigation into groundwater resources to be prepared.

(2) The programme may provide for the collection, collation and analysis of data concerning in particular –

(a) The location, pressure, composition and movement of groundwater;

(b) The properties of groundwater or of the rock or coral containing groundwater or through which such groundwater percolates;

(c) Any other matters in connection with the availability of groundwater or its suitability for use or its protection from depletion, wastage or pollution or its replenishment.

(3) The Manager may do anything necessary or expedient for or in connection with the carrying out of the programme.

#### 15 Power to require samples

The Manager may require any person who is the holder of any licence issued under the Mining Act 1977 to supply the Manager with such samples from the core or water of any bore constructed under such licence and any details concerning such bore and the operation of it as the Manager may require.

### PART 4 CONSTRUCTION OF BORES

#### 16 Power to construct bores

(1) No person other than the Manager or public authority shall construct, alter, repair or maintain any bore for the purpose of extracting water or cause any such bore to be constructed, altered, repaired or maintained.

(2) The Manager may, with the consent of the Health Officer as to the proposed location of it, construct any bore for the extraction of water for the purposes of Part 6.

(3) Any person, public authority or Village Council may apply to the Manager to have a proposed bore constructed or any bore altered in the manner provided for in Regulations made hereunder.

(4) The Manager, with the consent of the Health Officer, may grant such application subject to such terms and conditions as he thinks fit or as are provided for in Regulations made hereunder or may refuse to grant such application.

(5) Where any person holding a licence under Part 4 of the Mining Act 1977 has constructed or proposes to construct a bore which has encountered or may encounter any groundwater, the Manager may require such precautions to be taken or work to be done in relation to such bore as he deems necessary for the protection of such groundwater and may exercise the powers conferred by section 12 in relation to any such bore.

### PART 5 USE OF BORES

#### 17 Extraction licences

(1) Only the Manager may extract and use supply and sell water from any bore.

(2) No use of water or natural depositories of water by any person or public authority holding a licence under Part 4 of the Mining Act 1977 shall be deemed lawful.

(3) No person or public authority shall cause or permit any water to be extracted or used from any bore except as authorised by the Manager and under the conditions of an extraction licence issued under this section.

#### 18 Waste disposal licences

(1) Any person or public authority wishing to dispose of any matter underground shall apply to the Manager for a licence in the manner provided for in regulations under this Act.

(2) The Manager shall with the consent of the Health Officer grant such application subject to such conditions as the Manager and the Health Officer shall jointly think fit or as are provided for in regulations made hereunder, or may refuse to grant such application.

(3) The Manager shall not approve an application in respect of any disposal which in his opinion or in the opinion of the Health Officer would or maybe or is likely to cause the pollution of any groundwater or be detrimental to any bore.

(4) No person or public authority shall cause or permit any matter to be disposed of underground by means of a water bore.

#### 19 Change in use of bore

(1) Any person or public authority wishing to change the purpose for which any bore is used shall apply to the Manager for approval in the manner provided for in Regulations under this Act.

(2) The Manager shall, with the consent of the Health Officer grant such application subject to such conditions as the Manager and the Health Officer shall jointly think fit or as are provided for in Regulations made hereunder, or may refuse to grant such applications.

(3) As a condition of granting any such application the Manager may require any applicant to apply for and obtain a licence under section 17 or section 18.

(4) No person or public authority or any person who has constructed a bore under a licence granted under Part 4 of the Mining Act 1977 shall change the purpose for which any bore is used unless approval has been obtained under this section.

#### 20 Amendment of licences

(1) The Manager may amend any licence granted under sections 17 and 18 and may add to, vary or contradict the conditions of any licence, notwithstanding that such conditions are prescribed by Regulations under this Act.

(2) The Manager shall not amend any licence or add to, vary or contradict the conditions of any licence granted under section 18, 19 or which would harm Niue's water lens, without the prior consent of the Public Health Inspector.

## 21 Cancellation of licences

The Manager may cancel or suspend any licence for breach of any of the conditions contained in it or breach of any of the provisions of this Act or of any regulations made hereunder.

## PART 6 WATER SUPPLY

### 22 Power to supply water

(1) The Manager may, subject to this Act, extract and collect from any bore constructed for the purpose of supplying water, and may store, supply and sell any such water to any person, Public Authority or any Village Council.

(2) The Manager shall not be obliged to supply or sell water to any person, public authority or any Village Council and may refuse the supply of it to any person, public authority or Village Council if any rates or charges have not been paid.

(3) The Manager and staff are not liable for failure of the Public Water Supply, and no claim can be made against the Water and Waste Utility, Manager or his staff.

### 23 Power to install meters

The Manager may install meters for the purpose of measuring any water supplied or sold under this Act, but the Manager shall not be obliged to install such meters, and where water is supplied without any meter being installed, the measurement of water supplied shall be calculated by such means as the Manager may provide.

### 24 Power to disconnect supplies

The Manager may disconnect the supply of water to any person, public authority or Village Council where –

- (a) Any deposit or advance payment required by the Manager has not been paid;
- (b) Where the payment of any fee, charge or rate made or levied under this Act is in arrears;
- (c) Where, in the opinion of the Manager any person consuming water from that supply allows or has allowed any water from that supply to run to waste;
- (d) Where any person, public authority or Village Council is in breach of the conditions of any agreement under which water is supplied, or has failed to comply with this Act or Regulations made hereunder;

(e) Where any person, public authority or Village Council is in breach of any order issued under section 12 or of the provisions of this Act or any regulations made under it.

## 25 Power to suspend supplies

The Manager may restrict, suspend or stop the supply of water under section 22 to any public or private water works –

(a) Whenever, in the opinion of the Manager, there is an actual or anticipated shortage of water available;

(b) Whenever it may be expedient or necessary for the purposes of extending, altering, testing, treating, maintaining or repairing the water works or for the purposes of the connection of services or for the fighting of fires;

(c) Whenever any water works are damaged or waters are polluted or wasted;

(d) Whenever there is any breakdown in the water works.

## 26 Powers of the Health Officer

Where is of the opinion that any water contained in any bore, public water supply is likely or may become polluted or there is likely or may be a threat to public health, the Health Officer, after consultation with the Manager and, where appropriate, with any person, public authority or Village Council –

(a) May require the Manager to restrict, suspend or stop the supply of water to any person, public authority or Village Council;

(b) May treat or require the Manager to treat any water contained in any water works associated with such supply; and the Manager shall forthwith comply with such requirement.

## PART 7 REGULATIONS

### 27 General Regulations

The Cabinet may make regulations for the purpose of carrying out this Act and, without in any way limiting the generality of the foregoing, may make regulations;

(a) Prescribing the mode, form, strength and material of construction of and the depth, dimensions, arrangement and positioning of bores and ancillary works;

(b) Prescribing standards for the construction, renewal, alteration, repair and maintenance of any bore;

- (c) Regulating the operation of bores and ancillary works so as to prevent the waste, misuse or pollution of any groundwater;
- (d) Prohibiting the doing of acts or things which may result in the pollution of any water;
- (e) Prescribing standards and procedures for the sampling and setting aside of any material, water or other fluid extracted or taken in any way whatsoever from any bore;
- (f) Fixing, in times of actual or anticipated shortage of water, the amount of water which may be taken or maximum rate at which water may be taken from any bore or types of bore.
- (g) Fixing the times at which water may be taken from any bore or types of bore;
- (h) Temporarily or permanently prohibiting the taking or use of water from any bore;
- (i) Prescribing forms for use under this Act;
- (j) Concerning the issue, renewal, transfer, cancellation, revocation, suspension and variation of licences and approvals and the making, amendment or alteration of any order under this Act;
- (k) Prescribing conditions or classes of conditions which may be attached to licence or approvals issued under this Act or to the sale of any water from any public water supply;
- (l) Specifying standards of quality and means to be adopted for the purification or protection of any water and the protection of any land adjacent to any bore;
- (m) Specifying, appointing, and empowering responsible authorities to exercise any powers or functions under this Act or any regulations made hereunder;
- (n) Prescribing fees, charges and rates to be made under this Act;
- (o) Prescribing the procedure to be adopted in the application and collection of such fees, charges and rates;
- (p) Regulating and controlling the planning, construction, operation, repair or maintenance of any public water supply;
- (q) Prescribing the nature and strength of materials used, the size, position and arrangement and method of connection of, and the workmanship and standard of any fittings to be used in, any public or private water supply, water works or sewerage works and also the type, nature and method of connection of any apparatus for the storage or use of water on any premises for any purposes whatsoever, including the method of disposal and treatment of any waste therefrom;
- (r) Examining, licencing and authorising any person to construct, renew, alter, repair maintain any public or private water supply, water works, or sewerage works connected to it;
- (s) Prescribing the situations in which and methods by which restrictions on the use of water from any water works may be imposed;

(t) Regulating the acquisitions, disposition, custody, inspection, testing, maintenance and protection from alteration or damage of any meter or other measuring device;

(u) Specifying acts or omissions contrary to the purposes of this Act which shall be regarded as offences against this Act and, subject to section 30, fixing penalties in relation to it;

(v) Any matter concerning the investigation, use, control, protection, management or administration of water resources;

(w) Any matter necessary or convenient to the carrying out or giving effect to, to forming of a company or corporatisation and other matters of this Act.

## PART 8 MISCELLANEOUS

### 28 Personal liability of officers

No person shall be personally liable for any act done by him in good faith in the exercise of any duties, powers, or authorities imposed or conferred on him by this Act.

### 29 Offences

(1) Any person who assaults, resists, obstructs, hinders or delays or who entices or encourages any other person to assault, resist, hinder obstruct or delay any person in the performance of his duties under this Act shall be guilty of an offence.

(2) Any person who unlawfully damages, destroys or interferes with, or attempts to damage, destroy or interfere with any bore, water storage tank, meter or water works whatsoever shall be guilty of an offence.

(3)

(a) Any person who causes or permits either directly or indirectly any water to be polluted or causes or permits the doing of an act likely to lead to the pollution of any water shall be guilty of an offence.

(b) Any person or public authority holding a licence under section 18 may discharge wastes under that licence.

(4) Any person who does not meet the requirements for water catchment, graves, rubbish dumps, disposal of waste waters, swimming pool filling and emptying, as stated in Water Resources Regulations, whatsoever shall be guilty of an offence.

(5) Water is hereby declared to be a product capable of being stolen within the meaning of section 188 of the Niue Act 1966 and any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any such water shall be guilty of theft.



### 30 Penalties

(1) Subject to subsection (2) any person who contravenes or fails to comply with this Act or of any Regulation made under it, or relating to the subject matter of this Act shall be guilty of an offence and shall, where no specific penalty is provided, on conviction be liable to a fine not exceeding 10 penalty units or to a term of imprisonment; not exceeding 6 months or both such fine and imprisonment and, in the case of a continuing offence, to an additional fine not exceeding 5 penalty units for every day or part of a day that the offence shall continue.

(2) Where no specific penalty is provided for any offence concerning the pollution or any water or acts which may directly or indirectly cause pollution of any water the maximum penalty shall be a fine not exceeding 500 penalty units or a term of imprisonment of 2 years or both such fine and imprisonment, and in the case of a continuing offence, an additional fine not exceeding 50 penalty units for every day or part of a day that the offence shall continue.

### 31 Compensation

Whenever, for the purposes of Part 6, it becomes necessary to acquire or to resume any land or interest under sections 11 or 14 of the Niue Amendment Act (No 2) 1968, compensation under section 13 shall only be payable –

(a) In respect of land, that the storage tank, bore or equipment is erected upon and the land surrounding such tank, bore and equipment as long as the bore, storage tank and equipment is in use or likely to be used;

(b) In respect of any damage occasioned and not made good in the course of constructing, altering, repairing or maintaining any public water works associated therewith; and not otherwise.

32 [Repealed]