

ACT

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THE SIERRA LEONE WATER COMPANY ACT, 2001

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SIGNED this 31st day of July, 2001.

ALHAJI AHMAD TEJAN KABBAH,
President.

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No. 6



Sierra Leone

2001

The Sierra Leone Water Company Act, 2001.

Short title.

**Being an Act to incorporate the Sierra Leone Water Company,
to provide for the supply of water in specified areas and for other
related matters.**

/

/ Date of com-
mencement.

Enacted by the President and Members of Parliament in this
present Parliament assembled.

PART I—PRELIMINARY

Commence-
ment.

1. This Act shall come into operation on a date to be fixed by the Minister by statutory instrument.

Interpretation.

2. In this Act unless the context otherwise requires—

“catchment area” means any area of land or water from which water contributes to the supply of any waterwork and the demarcation of which has been agreed between the Company and the relevant local authority;

“Chairman” means the chairman of the Board and includes an acting chairman;

“financial year” means a period of twelve months corresponding with the Government’s financial year;

“fire authority” means a fire authority constituted by law in respect of any specified area;

“local authority” means the local authority in whose area of authority the Company is seeking to acquire or acquires land;

“mains” includes a pipe transferred to or laid by the Company for the purpose of giving a general supply of water as distinct from supply to individuals, and any apparatus used in connection with such pipe;

“occupier” includes the person in occupation of a part of or the whole premises but does not include a lodger;

“owner” includes the holder of any premises direct from the State whether under licence or otherwise, or the immediate landlord of any premises;

“premises” includes messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed, public or private;

“public fountain” means any fountain, tap, standpipe, valve or any apparatus used or intended to be used for or in connection with the supply of water to the public from any waterworks;

“Minister” means the minister responsible for water resources;

“service pipe” means any pipe, valve, cistern or other apparatus by or through which water flows or is intended to flow from any mains or which is or may be used for the purpose of supplying water to any premises;

“specified area” includes Bo Town, Kenema Town, Koidu Town, Makeni Town, Yengema Town, Lungi and any other area declared as such under section 25;

“street” includes a highway, public bridge, road, land, footway, alley, passage or other thoroughfare or open space over which the public have a right of passage;

“Vesting Day” means such day as the Minister shall, by statutory instrument fix for the vesting in the Company of all waterworks and undertakings in respect of water supply services in Bo Town, Kenema Town, Koidu Town, Makeni Town, Yengema Town and Lungi;

“water rates and charges” means the rates and charges which the Company is authorised to levy and demand for the supply of water;

“waterworks” includes reservoirs, dams, tanks, cisterns, tunnels, treatment plants, conduits, aqueducts, mains, pipes, fountains, valves, pumps, engines and all structures or appliances used or constructed for the storage, conveyance, supply, measurement or regulation of water, which are vested in the Company or which are acquired, used or constructed by or on behalf of the Company.

PART II—INCORPORATION OF SIERRA LEONE
WATER COMPANY

Establishment
and
incorporation
of Company.

3. (1) There is hereby established a body to be known as the Sierra Leone Water Company (hereafter referred to as “the Company”).

(2) The Company shall be a body corporate having perpetual succession with power to acquire, hold and dispose of movable or immovable property, to enter into contracts, to sue and be sued in its corporate name and to do all things which a body corporate can do.

(3) The Company may transact business in all respects in the same manner as a private individual.

Common seal.

4. (1) The Company shall have a common seal, the affixing of which shall be authenticated by the signature of the Chairman or any two of its other members authorised by resolution of the Board to act in that behalf.

(2) Every document purporting to be an instrument issued by the Company and to be sealed with the seal of the Company, and authenticated in the manner prescribed by this section shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

(3) In appropriate cases the seal may be affixed to documents outside Sierra Leone.

(4) The common seal of the Company shall be kept in the custody of the Secretary of the Company.

Board of
Directors.

5. (1) The Company shall have a Board of Directors (hereafter referred to as “the Board”) which shall consist of

- (a) a Chairman;
- (b) the Financial Secretary or his representative;
- (c) the Permanent Secretary, Ministry of Energy and Power or his representative;
- (d) a representative of the Institute of Engineers;

- (e) a representative of the Chamber of Commerce, Industry and Agriculture;
- (f) four members representing consumer interests; and
- (g) the Director-General appointed under section 18.

(2) Members of the Board shall be appointed by the President with the approval of Parliament.

6. (1) The Chairman and other members of the Board other than the ex-officio members shall hold office for a period of two years and shall be eligible for re-appointment for another term of two years only.

Tenure of office of members of Board.

(2) Members of the Board except the Director-General shall be entitled to such allowances as the Minister may, after consulting the Minister for finance determine.

(3) A person shall cease to be a member of the Board if after his appointment he—

- (a) is employed by the Company;
- (b) becomes bankrupt;
- (c) becomes unsound of mind;
- (d) fails to attend three consecutive meetings of the Board without reasonable cause as recognised by the Board; or
- (e) resigns his office by written notice to the Minister.

(4) Where the Chairman is absent or is for good reason temporarily unable to perform his functions, the Board shall appoint one of its members to act as chairman.

(5) The Board may co-opt any person to act as adviser on any matter being deliberated upon by it but such person shall not vote on any issue for decision by the Board.

Proceedings of Board not invalidated.

7. The validity of any act or proceedings of the Board shall not be questioned by reason of—

- (a) any vacancy in the membership of or any defect in the appointment of a member thereof; or
- (b) any omission, defect or irregularity not affecting the merit of the matter concerning the act or proceedings.

Immunity of members of Board.

8. No member of the Board shall be personally liable for any debt or obligation of the Company.

Meetings of Board.

9. (1) The Board shall meet for the despatch of its business at least once every month at such times and places as the Chairman may determine.

(2) A majority of the members of the Board may by notice in writing signed by them or by resolution, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice

(3) The Chairman shall summon a special meeting within five days of receipt of such notice or resolution.

(4) The Chairman, or in his absence or inability to act, the person appointed to act as chairman, shall preside at every meeting of the Board.

(5) The quorum at any meeting of the Board shall be five members including one of the members representing consumer interests.

(6) Any question which fails to be determined by the Board at any of its meetings shall be decided by a majority of the votes of the members present and voting. Except that the Director-General shall not vote on any matter for decision by the Board.

(7) The Chairman or acting Chairman shall, in addition to his deliberating vote, have a casting vote where there is an equality of votes.

(8) Minutes of proceedings at every meeting of the Board shall be kept in proper form and shall be signed by the Chairman in the presence of the members of the Board.

10. (1) The Board may by resolution appoint one or more Committees. committees to perform such functions as the Board may determine.

(2) A committee shall submit minutes of its proceedings to the Board at the next meeting of the Board following the meeting of the committee to which the minutes relate.

11. Subject to this Act, the Board may make standing orders regulating—

Standing orders.

- (a) the holding of meetings, the notice to be given for such meetings and the proceedings at such meetings;
- (b) the keeping of minutes of meetings and the custody, production and inspection of such minutes;
- (c) the custody and use of the common seal; and
- (d) the manner in which cheques shall be issued on behalf of the Company.

12. Where a member of the Board has any direct or indirect interest in any other company or concern with which the Company proposes to make any contract or has any interest in such contract, he shall disclose to the Board the fact of such interest and the nature thereof, and the disclosure shall be recorded in the minutes of the Board and the member shall not take part in any deliberation or decision of the Board relating to the contract.

Disclosure of interest.

PART III—OBJECTIVES, FUNCTIONS AND
DUTIES OF COMPANY

Objectives and
functions of
Company.

13. (1) The Company shall develop and operate in every specified area, satisfactory water services at reasonable cost and on a self-supporting basis without adversely affecting the environment.

(2) Without prejudice to the generality of subsection (1), the Company shall—

- (a) take over responsibility for the control, development and management of water supply services in every specified area;
- (b) take over responsibility for the control and management of all waterworks as may be vested in the Company;
- (c) develop such existing waterworks as it may consider necessary so as to meet the needs of consumers;
- (d) ensure that water is supplied to consumers in potable quality;
- (e) organize and conduct research on the supply and consumption of water and matters relating thereto; and
- (f) do all things necessary for, connected with or incidental to the functions set out in this section.

Powers of
Company

14. The Company may, for the purpose of carrying out its functions under this Act—

- (a) construct, reconstruct, rehabilitate, repair, and maintain waterworks, buildings and structures and operate waterworks as may be vested in the Company;

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- (b) abstract water from any lake, river, stream or natural source as may be permissible under the provisions of this or any other law;
 - (c) examine any surface or underground waters for the purpose of determining whether such waters are polluted and the causes thereof in accordance with the provisions of any law in that behalf;
 - (d) construct public fountains in any street or other public place;
 - (e) install any water pipe into, through, across or under any street, land or place after giving reasonable notice in writing to the owner or occupier thereof;
 - (f) enter into contracts including contracts for—
 - (i) the design, construction, extension or modification of waterworks;
 - (ii) the design, construction, manufacture, supply, maintenance or repair of any of its properties;
 - (iii) the supply of materials required by the Company;
 - (g) enter into arrangements for the supply, distribution or sale of water;
 - (h) acquire, hold, construct or maintain any property and sell, dispose of or otherwise deal with such property or any part thereof;
 - (i) provide training and research facilities for its employees;

- (j) make, draw, accept or endorse, negotiable instruments;
- (k) accept, acquire, or hold any securities in any form and exercise any power, right or privilege in respect thereof;
- (l) procure insurance against any loss or damage to its properties or other assets;
- (m) set up in any specified area a local body whose composition, duties, functions, and powers shall be such as the Company shall determine.

Power to delegate.

15. The Company may delegate to any of its employees, committees or local bodies authority to carry out on its behalf such duties and to exercise such powers as the Company may determine.

Minister to give directions on policy.

16. The Minister may, after consultation with the Board give general directions as to the policy to be followed by the Company in the performance of its functions, in order to ensure conformity of its policy with that of the Government in respect of the supply and distribution of water, and the Company shall give effect to such directions.

Minister may obtain information on assets, etc. of Company

17. The Company shall, if so required by the Minister provide him with information relating to its assets and liabilities, and shall furnish him with returns, accounts, minutes of meetings and other information relating thereto and afford him facilities for the verification of information furnished in such manner and at such times as he may require.

PART IV — EMPLOYEES OF COMPANY

Appointment and control of employees of Company.

18. (1) The Company shall employ a person to be designated the "Director-General", and such other persons including the Secretary referred to in section 20, on such terms and conditions as the Board considers necessary or appropriate for the efficient performance of the functions of the Company.

(2) Subject to the direction of the Board, the other employees of the Company shall be under the administrative control of the Director-General.

19. The Director-General who shall be a person with relevant managerial experience and proven ability, shall be the chief executive officer of the Company and shall be responsible for the execution of the policy of the Company and the transaction of its day-to-day business.

Duties of
Director-
General

20. (1) The Company shall employ a person to be designated "the Secretary" to the Company.

Appointment
of Secretary

(2) The Secretary shall record minutes of meetings of the Board and shall perform such other duties as the Director-General may assign him.

21. The Board may, with the approval of the Minister, issue guidelines to the Company with respect to the promotion, transfer and dismissal of, and the exercise of disciplinary control over its employees.

Board to issue
guidelines.

PART V—SUPERANNUATION, PENSIONS AND GRATUITIES

22. (1) The Company shall establish and maintain pensions, superannuation, provident and other funds as it may consider desirable for the payment of gratuities or other allowances to the members of the Board, employees or their dependants or legal representatives on the death, sickness, injury, superannuation, resignation, retirement or discharge of such employees.

Pensions,
superannuation
etc.

(2) The Board may—

- (a) subject to the approval of the Minister, make rules providing for the payment of moneys out of the revenue of the Company to such funds and providing for the contribution of monies to such funds by employees of the Company; and
- (b) contract with an insurance company or other body for the maintenance of such funds.

PART VI—ADMINISTRATIVE PROVISIONS

Company to establish and maintain departments, etc.

23. (1) The Company may—

- (a) establish and maintain such departments, divisions, sections, branches and field offices;
- (b) devise or adopt with or without modification, any forms and procedures; and
- (c) make such other administrative arrangements,

as it may consider necessary or expedient for the efficient performance of its functions.

(2) Without prejudice to subsection (1), the Company shall establish the following departments—

- (a) a technical department with responsibilities for, *inter alia*, planning, surveys, preparing estimates for and construction of new works, research, development of techniques, engagement and liaison with consultants, collection of hydrological data, supervision of abstraction, treatment, operation and maintenance of water supplies;
- (b) an accounts department with responsibility for keeping the accounts of the Company, preparation of the annual budget and statistics relating to finance, recommendation of rates for the supply of water, raising of funds, revenue collection and disbursements, investment of funds, insurance, and administration of the general policy relating to finance;
- (c) a general administration department responsible for matters relating to personnel, industrial and public relations, preparation of annual reports, property and legal matters.

24. (1) On the Vesting Day, the Minister shall transfer to the Company, responsibility for providing and maintaining water supply services in all specified areas.

Transfer of responsibility for water supply, etc. to the Company.

(2) On the Vesting Day, all waterworks and all undertakings of and on behalf of the Government in respect of water supply service in any specified area shall be deemed to have been transferred to and shall without further assurance vest in and become the property of the Company.

(3) For the purposes of subsection (2), the undertakings which shall be deemed to have been transferred to the Company shall include—

- (a) all lands, works, plant and other property whether moveable or immovable including books, documents and papers;
- (b) all rights, powers, easements, interests and privileges; and
- (c) all other real and personal property and assets held or used for or relating to the provision and maintenance of water supply services in the specified areas.

25. Subject to this Act, the Minister may by order—

- (a) declare an area a specified area; and
- (b) after consultation with the Company, transfer to the Company the responsibility for the supply of water in the specified area with effect from the date specified in the order and on such terms and conditions as the Minister may determine.

Transfer of water works and water services in other areas.

26. (1) All deeds, bonds, agreements, instruments, debts, credits, licences and working arrangements existing immediately before the Vesting Day, affecting the undertakings transferred under section 24 shall have effect in favour or against the Company as if instead of the Government, department of Government or other authority, the Company had been named therein or had been party thereto.

Existing contracts and pending proceedings.

(2) Any proceeding or cause of action pending or existing immediately before the Vesting Day by or against the Government, or undertakings or assets transferred under section 24 may be continued or enforced by or against the Company.

(3) In this section, reference to a department of Government or other authority means such department or authority which immediately before the coming into operation of this Act was responsible for the provision, operation and maintenance of water supply services in Bo Town, Koidu Town, Makeni Town, and Yengema Town.

PART VII—FINANCE

Funds and
resources of
Company.

27. The funds and resources of the Company shall comprise—

- (a) all monies, investment or other properties vested in the Company by section 24;
- (b) such monies or other property as may from time to time be advanced by way of loan or grant to the Company;
- (c) all investments made by the Company and the income accruing from them or other property acquired by the Company;
- (d) charges and fees payable to the Company in accordance with this Act; and
- (e) all other monies and property to which the Company may become entitled.

Application of
revenue.

28. (1) The revenue of the Company for any financial year shall be applied in defraying the following charges—

- (a) the remuneration, fees and allowances of the members of the Board;
- (b) the salaries, remuneration, fees, allowances, pensions, gratuities and other benefits of the employees and technical or other advisers of the Board;

- (c) operating expenses and expenditure on management of the Company, its waterworks and other property, including provision for depreciation of assets;
- (d) repayment of the principal sums borrowed and sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of stock or other securities or the repayment of other borrowed monies;
- (e) interest on any loan raised by the Company;
- (f) such sums as may be payable by the Company to any person or authority under the provisions of this Act or any other law;
- (g) rates, taxes and other levies, payable by the Company under any law; and
- (h) any other expenditure authorized by the Company and property chargeable to revenue account.

(2) The balance of the revenue of the Company for any financial year may be applied to the creation of general or specific reserve funds to be used for maintaining and improving the financial position of the Company and for financing further developments.

29. Any funds of the Company not immediately required to be expended in meeting any obligation or the discharge of any functions of the Company may be invested to the best advantage of the Company.

Investment of funds.

30. (1) The Company may, for the purpose of performing its functions and meeting its obligations under this Act, borrow money or raise capital in any currency and from any source.

Borrowing powers of Company.

(2) The Company may charge its assets, undertakings and revenues with the repayment of any money borrowed together with interest thereon, and may issue bonds or other securities in order to secure repayment of any money so borrowed.

Government to
guarantee
loans to
Company.

31. The Government may guarantee in such manner and upon such terms as it may think fit, the payment of the interest and principal, or either of them on any loan proposed to be raised by the Company.

Advance
account for
working
capital.

32. (1) The Company shall, after Vesting Day, in respect of monies other than grants advanced by the Government to provide working capital for the Company, create an advance account in favour of Government equivalent to the total amount of such advance.

(2) The advance account referred to in subsection (1) shall be subject to such conditions as to interest and repayment as the Minister for finance may from time to time determine.

PART VIII—ACCOUNTS, AUDIT AND ANNUAL REPORT

Company to
maintain
proper
accounts.

33. (1) The Company shall maintain proper accounts and records of its transactions in a form approved by the Auditor-General.

(2) The Company shall prepare an annual financial statement which shall include balance sheet accounts, income and expenditure accounts, source and application of funds and financial projections particularly on water rates.

Audit of
Company's
accounts etc.

34. (1) The accounts and financial statement of the Company referred to in section 33 shall, within a period of four months after the end of each financial year be audited by the Auditor-General or auditors appointed by the Auditor-General.

(2) For the purpose of subsection (1), the Auditor-General, or the auditors shall be entitled to have access to all books of accounts, vouchers and other financial records of the Company and to require such information and explanation thereon as they think fit.

(3) The Company shall provide the auditors with all necessary and appropriate facilities for the examination of the accounts and records of the Company.

(4) The Auditor-General shall submit to the Company a report on the audited accounts and the financial statement of the Company.

(5) The Auditor-General shall, in this report draw attention to any irregularities in the accounts audited and to any other matter which in his opinion ought to be brought to the notice of the Company.

35. (1) The Company shall, within six months after the end of the financial year submit to the Minister a report on the performance of its functions during that year and on its policies and programmes. Annual report.

(2) The annual report shall include the annual financial statement prepared under section 33 and the auditors' report thereon.

36. The Company may write off bad debts.

Power to write off bad debts.

PART IX—POWERS AND PROCEDURE IN RESPECT OF WATER RATES AND CHARGES.

37. (1) The Company shall be entitled to levy and demand for the supply of water to consumers such water rates and charges as may from time to time be determined by the Company. Water rates and charges.

(2) The Company may fix different rates for different areas or different classes of consumers.

(3) Notwithstanding the provisions of subsection (2), the Company may enter into a special arrangement with any consumer for the supply of water to him on such terms as may be agreed.

(4) Such agreement shall be made in cases where the rates in force are not appropriate owing to special circumstances; but no undue preference shall be shown as between consumers similarly situated.

(5) The water rates in force immediately before Vesting Day shall remain in force until revised or replaced by rates fixed in accordance with this section.

38. The Company shall direct its rating policy towards ensuring that— Directives principles of rating policy, etc.

- (a) water rates are levied generally in respect of premises and the assessed value thereof as and when practicable;

- (b) water is supplied to commercial concerns and such institutions as schools and hospitals by meter;
- (c) rates charged for water supplied to industrial and commercial concerns are higher than those charged for domestic supply in the same locality but such rates shall not be so high as to discourage the continuance of existing industrial and commercial concerns or the establishment of new ones in that area;
- (d) institutions such as schools and hospitals are charged special rates which shall not be higher than those charged for domestic supply in the same locality;
- (e) a percentage of profits realised annually from its operations is reinvested in the Company's business with a view to reducing and hammonizing water rates and charges.

Directives
principles not
justiciable.

39. (1) Section 38 shall not confer legal rights and shall not be enforceable in any court of law but the principles contained therein shall nevertheless be fundamental in the determination of the Company's rating policy for water supply.

(2) It shall be the duty of the Company to apply those principles in the formulation of such policy and generally in the management of its affairs.

Company to
levy rates.

40. (1) The Company may, subject to the approval of the Board levy rates and demand charges as follows—

- (a) a general water rate in respect of all premises which shall be a percentage of the assessed annual value of the premises concerned as may be determined by the Company;

- (b) a water supply charge in respect of premises which are supplied water by means of a service pipe; and
- (c) water supply charges in respect of all other facilities.

(2) For the purposes of paragraph (a) of subsection (1), "assessed annual value" means the value of the premises assessed from time to time for the purpose of levying a local authority rate and, where premises are not so assessed such sum as may be agreed between the Company and the owner of the premises or his representative, as representing the annual value of the premises or in default of agreement, as may be determined by arbitration.

41. The Company may, subject to the approval of the Board—
- (a) exempt from payment of a general water rate in respect of any premises or class of premises, the owners or occupiers of those premises;
 - (b) determine the time or times for payment of water charges; and
 - (c) designate an officer to whom shall be made payments of water charges.

Power to exempt from payment of water rates, etc.

42. The owner of any premises in respect of which water charges are payable shall be liable for payment of the charges unless there is an agreement to the contrary between the owner of the premises and the occupier or between the Company and the occupier.

Liability for water charges.

43. (1) If a person fails to pay any water charges for which he is liable under this Act, the Company may, within twenty-eight days after the charges became due and payable recover from that person such charges together with costs and other expenses in a court.

Recovery of water charges

(2) Any person who disputes the amount due in respect of water charges or his liability to pay these charges shall notify the Company in writing of such dispute within seven days of service of the first demand in respect of such charges, in default of which the demand shall, in the absence of evidence to the contrary be conclusive as to the amount due.

Absentee owner or occupier to appoint agent for payment of charges.

44. (1) Any owner or occupier of premises in respect of which water charges are payable by him shall, if he intends to be or is actually absent from Sierra Leone for a period exceeding two months, appoint a person resident in Sierra Leone to be his agent for the receipt of demands and for the payment of the charges.

(2) The owner or occupier and his agent shall notify the Company in writing of the appointment, identity and address of the agent in Sierra Leone, and of all changes in the identity or address of that agent.

(3) A person appointed an agent by virtue of subsection (1) shall be liable in all respects under this Act to the same extent as his principal during the period of his agency.

Service to premises.

45. The Company may, subject to this Act supply water through any service pipe to any premises on application made by the owner or occupier of such premises.

Continuity of supply of water.

46. (1) The Company shall, except for reasons of impracticability, maintain a continuous supply of water and at a reasonable pressure in all pipes which are used for supplying water otherwise than in bulk.

(2) Notwithstanding subsection (1), the Company may—

(a) suspend or divert the supply of water for such periods as may be necessary for carrying out inspections, tests, repairs, and for the making of fresh connections;

(b) suspend or discontinue the supply of water to any premises where there is a default in the payment of any water charges in respect of those premises or where payment of the charges is in arrears.

(3) Subject to prior notice, the Company shall not be liable to pay damages or compensation for any loss, damage or inconvenience occasioned to any consumer by reason of any suspension, diversion, discontinuance, failure or total or partial interruption of the supply of water howsoever caused.

47. The Company may supply water in bulk to individual consumers on such terms and conditions as it may determine. Bulk supplies.

48. The Company may, by its employees, enter any premises at any time between the hours of six o'clock in the morning and six o'clock in the afternoon or in case of emergency, at any time, for the purpose of— Power to enter premises.

- (a) installing, examining, repairing or removing any water pipe being the property of the Company;
- (b) inspecting and examining meters in order to ascertain the quantity of water consumed;
- (c) ascertaining whether there is any waste or misuse of water supplied by the Company to those premises;
- (d) ascertaining whether circumstances exist which would or do warrant the Company taking any action or executing any work under this Act;
- (e) disconnecting, suspending, diverting, withholding or stopping the supply of water to those premises as the Company may think necessary or proper and without prejudice to any liability of the owner or occupier thereof to pay any water charges under this Act; or
- (f) ascertaining whether there is or has been on or in connection with those premises any contravention of this Act or any regulations made under it.

49. (1) The Company shall be liable for making good any loss of or damage to consumers' pipes, fittings, appliances and other apparatus resulting from the misuse of such apparatus by an employee or agent of the Company and shall pay reasonable compensation for such damage or loss. Compensation for damage etc.

(2) Where there is a dispute as to the amount of compensation payable, it shall be determined by a court within the locality where the damage or loss occurred.

Charges for abstraction of water.

50. Without prejudice to any enactment, the Company may levy such charges as the board may by statutory instrument prescribe, on any company or person who, in any specified area abstracts water not supplied by the Company, for commercial purposes.

PART X—OFFENCES

Injury, diversion, or pollution of catchment area.

51. (1) No person shall—

- (a) wilfully or negligently injure any waterworks or cause damage to the environment in the catchment area;
- (b) unlawfully divert or take water from any waterworks or from a catchment area;
- (c) pollute or cause risk of pollution to any water in any waterworks or catchment area.

(2) Any person who contravenes any provision in subsection (1) commits an offence and is liable on conviction to a fine not exceeding Le1,000,000 or to a term of imprisonment not exceeding twelve months.

Misuse or wastage of water.

52. (1) No person shall wilfully or negligently misuse or waste any water passing into, through or near any premises, from any waterworks.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding Le300,000 or to a term of imprisonment not exceeding three months.

Alteration of pipes or fittings.

53. (1) No person shall, without the consent of the Company or contrary to any statutory instrument made under this Act alter or cause to be altered any pipe or apparatus through which water is supplied by the Company to any premises.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding Le500,000 or to a term of imprisonment not exceeding six months.

- 54.** (1) No person shall alter or cause to be altered any pipe— Fraudulent measurements, etc.
- (a) with intent to avoid the accurate measurement or registration of water by means of any meter;
 - (b) with intent to obtain a greater supply of water than he is entitled to and to avoid payment for it.

(2) No person shall, with intent to avoid any payment for the supply of water interfere or cause to be interfered with, any pipe.

(3) Any person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine not exceeding Le500,000 or to a term of imprisonment not exceeding six months.

(4) Any pipe altered or pipe or meter interfered with may be repaired or replaced by the Company and the cost so incurred may be recovered against the person convicted in respect of such alteration or interference upon an order of the Court in which the conviction was made as though such cost were a fine imposed by that Court.

- 55.** (1) No person shall put water to use for purposes other than those for which water is supplied by the Company. Use of water otherwise than for purpose supplied.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding Le300,000 or to a term of imprisonment not exceeding three months.

56. Any person who, without the consent of the Company, sells to any other person water supplied by the Company which exceeds ten gallons commits an offence and is liable on conviction to a fine not exceeding Le200,000 or to a term of imprisonment not exceeding three months. Prohibition of sale of water.

Trespass.

57. Any person who trespasses on a catchment area or on any enclosed land appropriated or used for waterworks commits an offence and is liable on conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding three months.

Trespass by animals.

58. (1) No person shall, without the consent of the Company fasten any animal to any structure or apparatus of the Company.

(2) No person having custody or control of an animal shall allow that animal to wander on any pipe track or waterworks.

(3) Any person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine not exceeding Le100,000 or to a term of imprisonment not exceeding three months.

Supply of water to ships

59. (1) Except with the consent of the Company, no person shall supply water to any ship water supplied to that person by the Company.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding Le300,000 or to a term of imprisonment not exceeding three months.

(3) For the purposes of this section "ship" includes any ship, vessel, tug, lighter.

Bathing or washing in waterworks, etc.

60. Any person who—

- (a) washes or bathes in any part of a waterworks or catchment area;
- (b) washes, throws, or causes to enter into any part of a waterworks or catchment area, any clothing or other matter or substance; or
- (c) interferes with any lock, cock, valve, sluice or manhole being part of a waterworks,

commits an offence and is liable on conviction to a fine not exceeding Le500,000 or to a term of imprisonment not exceeding six months.

PART XI—REGULATIONS

Regulations.

61. The Board may, after consulting the Minister, by statutory instrument make such regulations as are necessary for the

implementation of this Act, and in particular, make regulations with respect to any of the following matters—

- (a) fixing water rates and fees for any service rendered by the Company;
- (b) exemptions from any water rate for any premises or class of premises or any consumer or class of consumers;
- (c) the amount to be paid in respect of water supplied to any Government institution or to any other institution whether public or private;
- (d) the amount of rent to be paid for meters;
- (e) the method and manner in which water may be taken from public fountains;
- (f) the charges to be paid for all pipes or fittings supplied, constructed or laid by the Company and the time and place for the payment of the charges;
- (g) the construction, laying, fitting, and readjustment of pipes and other fittings and the nature, quality, size and pattern thereof, and of meters used therewith;
- (h) the forms of all notices required to be given or sent under this Act and the issuing and service thereof;
- (i) the control of boating on or fishing in any waterworks;
- (j) the prevention of the commission of any offence or nuisance in or about any of the stations, works, plants, buildings or premises of the company;
- (k) the prescription of penalties for offences against any regulations made under this section;
- (l) regulating the operation of the waterworks and the governance thereof and maintenance of good order thereon;
- (m) preserving and conserving sources of water in catchment areas;

- (n) providing for conditions for the take-over of water services;
- (o) prescribing water service rules and plumbing codes.

PART XII—MISCELLANEOUS

Acquisition of land.

62. (1) The Company may acquire land for the purpose of this Act by private treaty or agreement or in any other lawful manner.

(2) Where the Company is unable to acquire by private treaty or agreement the leasehold of any land in the provinces required for the purposes of this Act, the Minister responsible for Internal Affairs may authorize any person to execute in the name and on behalf of the local authority, a lease to the Company on such terms and conditions as shall appear to the Minister to be fair and reasonable, of any land which it may so require and any such lease shall, notwithstanding that any consent or approval required by section 3 of the Provinces Land Act has not been obtained, be as effective for all purposes as if it were duly granted by the local authority.

Cap 122

(3) All expenses and compensation payable in respect of land acquired by the Company under this section shall be paid by the Company.

Notice of action.

63. (1) Where it is intended to institute legal proceedings against the Company, a written notice of that intention shall be served by the intending plaintiff or his agent upon the Company at least thirty days prior to the commencement of such proceedings.

(2) The notice shall state the cause of action, the name and address of the intending plaintiff and the relief which he intends to claim.

Service of documents.

64. Any notice, summons or other document required to be served on the Company in connection with any suit by or against the Company shall be served by delivering it to or sending it by registered post addressed to the Director-General or the Secretary.

Restriction on execution against the property of the Company.

65. Where there is a judgement, decision or order against the Company, no execution, attachment or process shall be issued against the Company until after three months from the date of such judgement, decision or order as the case may be.

66. In any suit pending before a Court, the Company may be represented at any stage of the proceedings by any of its employees or an agent duly authorized in writing in that behalf, by the Company. Representation of Company at proceedings.

67. The Company may provide technical services relating to water supplies to any institution or department of Government on such terms and conditions as the Company may determine. Technical services.

68. The Minister responsible for finance may direct that the Company be exempted from the payment of any stamp duties under the Stamp Duty Act. Exemption from stamp duty.
Cap. 274

69. No waterworks vested in the Company or any property of the Company shall be regarded as hereditament or tenements to be valued for rating purposes under any law. Waterworks excluded from rates.

70. (1) Subject to subsection (2), nothing in this Act shall preclude any fire authority from abstracting water for the purpose of the prevention or control of fire, from any pipe, public fountain or waterworks. Use of water by fire authorities.

(2) No fire authority shall abstract water for the purpose of testing fire-fighting equipment except with the consent of the Company, which consent shall not be unreasonably withheld.

(3) No charge shall be made for water supplied by the company under subsections (1) and (2).

PASSED in Parliament this 20th day of July, in the year of our Lord two thousand and one.

J. A. CARPENTER,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J. A. CARPENTER,
Clerk of Parliament.