

SOLOMON ISLANDS

**THE WATER SUPPLY ACT**

CHAPTER 18

This Act is reprinted as set out in the Revised Edition of the Laws, 1969 and amended by or under -

The British Solomon Islands (Name of Territory) Order 1975 (LN 26 of 1975);

The Solomon Islands Independence Order 1978 (LN 43 of 1978);
and

The Citation of Ordinances Act 1978 (No 17 of 1978);

and contains the law in force as at 1st August 1981.

ARRANGEMENT OF SECTIONS**SECTION**

1. Short title.
2. Minister to administer Act.

PART I**SUPPLY OF WATER TO HONIARA**

3. Chief Executive Engineer may construct aqueducts, etc., and enter lands for purpose.
4. Chief Executive Engineer may enter and survey land, etc.
5. Chief Executive Engineer may open up streets and lay pipes, etc.
6. Chief Executive Engineer may erect public fountains, etc.
7. Chief Executive Engineer shall fix fire plugs.
8. Penalty for soiling water supply.
9. Penalty for molesting Chief Executive Engineer, injuring water pipe, etc. or wasting water.
10. Compensation for land damaged by Chief Executive Engineer.
11. Mode of awarding compensation.
12. Supply through meter.
13. Testing the accuracy of meters.
14. Offences in regard to meter.
15. Collection of charges.
16. Rules.
17. Power to disconnect supply.
18. Power to prohibit or restrict the use of water for specified purposes.
19. Indemnity of Minister.

PART II**SUPPLY OF WATER TO OTHER PARTS OF
SOLOMON ISLANDS**

20. Extension of Act to other areas of Solomon Islands.
21. Delegation of powers.



THE WATER SUPPLY ACT

AN ACT relating to Water Supply.

Short title.

1. This Act may be cited as the Water Supply Act.

Minister to administer Act.

2. The Minister shall be charged with the administration of this Act.

PART I

SUPPLY OF WATER TO HONIARA

Chief Executive Engineer may construct aqueducts, etc., and enter lands for purpose.

3. The Chief Executive Engineer shall have power to make and construct such cuts, channels, feeders, catch-drains, reservoirs, aqueducts, tunnels, pipes, pipe tracks, conduits, filters, trenches, mounds, engines and works, and machinery as he may think necessary, proper or convenient for conducting an adequate supply of water to Honiara, together with such reservoirs and other works as the Chief Executive Engineer shall think necessary for securing regularity in the said supply of water, and to clean, uphold and repair the said works and machinery in all times ensuing, and for any and every such purpose to enter upon, take and use any lands required to be entered, taken or used for such purpose:

Provided always that the Chief Executive Engineer shall do as little damage as may be in the execution of the several powers herein contained:

Provided that any land taken for the purposes of this section shall be acquired in accordance with the provisions of Part V of the Land and Titles Act.

Cap. 93.

Chief Executive Engineer may enter and survey land, etc.

4. The Chief Executive Engineer may enter into and upon any land whatsoever required for the purposes of this Act and survey and take levels of the same and set out and ascertain such parts thereof as he shall think necessary and proper for making or erecting any works or machinery authorised by this Act, and and may also bore, dig, cut, trench, get, remove, take and convey away and lay earth, clay, stone, rubbish and beds of gravel or sand for making works which may be got in carrying on the said works:

Provided that the Chief Executive Engineer shall do as little damage as may be in the execution of the several powers herein contained.

5. It shall be lawful for the Chief Executive Engineer from time to time as occasion may arise to open up any street, lane, court, road, path, passage and access of any description within the boundaries of Honiara for the purpose of laying pipes and conductors of water to such parts thereof as he shall deem expedient and for the purpose of maintaining, altering, repairing or cleansing such pipes and conductors and, upon the application of any person desiring the same, to supply water to dwelling-houses or other premises of any description:

Chief
Executive
Engineer may
open up
streets and
lay pipes,
etc.

Provided always that in all such cases the Chief Executive Engineer shall replace the streets, lanes, courts, roads, paths, passages and accesses interfered with by him and the pavements (if any) of the same in like situation, order and condition as they were previously.

6. It shall be lawful for the Chief Executive Engineer to erect and maintain in areas to which there is a public right of access such number of public fountains, baths and washing places as he shall deem expedient, to which the public shall, subject to any rule made under section 16 hereof, have free access.

Chief
Executive
Engineer
may erect
public
fountains,
etc.

7. The Chief Executive Engineer shall fix proper hydrants in the main and other pipes which he considers proper and convenient for the extinguishment of fire and it shall not be lawful to make any charge for water supplied for such purpose.

Chief
Executive
Engineer
shall fix
fire plugs.

8. Every person who washes any animal or any clothes, wool, leather or the skin of any animal or any noisome or offensive thing or throws or casts any dead animal or any filth, dirt or other noisome or offensive thing or who bathes in any water, fountain, reservoir, basin or aqueduct, tunnel or water-way made or used to supply water for human consumption, or who causes or suffers the water of any sewer or drain to run or be conveyed into any pipe or water-way, or who causes or permits any other thing whatsoever to be done to the water contained therein whereby or by means whereof the water or any part thereof is or may be soiled, fouled, corrupted or injured shall be liable on conviction to a fine of one hundred dollars and in default of payment to imprisonment for three months.

Penalty for
soiling water
supply.

Penalty for molesting Chief Executive Engineer, injuring water pipe, etc. or wasting water.

9. (1) Every person who -
- (a) wilfully obstructs, hinders or molests the Chief Executive Engineer or any person employed by him in carrying into effect the provisions of this Act;
 - (b) injures any fountain, pump, cock, valve or water pipe, cistern, reservoir, fence or public water-course or any part thereof respectively in the possession or charge of the Chief Executive Engineer;
 - (c) opens or leaves open any cock, valve or any such fountain or pump so that the water runs or may run to waste,

shall be liable to a fine of twenty dollars and in default of payment to imprisonment for one month.

Compensation for land damaged by Chief Executive Engineer.

10. Every person whose land has been used in laying down water pipes or otherwise for the purposes of this Act shall be entitled to reasonable compensation for any damage sustained by him by reason of such use of his land, such compensation to be ascertained and awarded in manner hereinafter mentioned.

Mode of awarding compensation.

11. In all cases in which compensation is claimed it shall be lawful for the Chief Executive Engineer, subject to the approval of the Minister, to agree with the claimant for the payment of such sums of money by way of compensation as the Chief Executive Engineer may think reasonable and, upon any such agreement being made, the sum so agreed upon shall be paid accordingly, and in all cases it shall be lawful for the Chief Executive Engineer to tender to the claimant such sum by way of compensation as the Chief Executive Engineer shall think fit, and in case the Chief Executive Engineer and the claimant do not agree upon the amount to be paid the same shall be determined in the Court by an action for damages to be brought by the claimant against the Chief Executive Engineer.

Supply through meter.

12. (1) The Chief Executive Engineer may by notice in writing direct that any person being a consumer supplied with water or desiring to be supplied with water whether for domestic purposes solely or otherwise shall be supplied through a meter provided by the Chief Executive Engineer.

(2) Any moneys payable in connection with water supplied through a meter shall be deemed to be a charge within the meaning of this Act and may be recoverable from the consumer

13. (1) If the accuracy of the meter is questioned by the consumer and notice in writing thereof is given to the Chief Executive Engineer accompanied by a fee of one dollar the meter shall be tested.

Testing the accuracy of meters.

(2) If the meter is found upon such test to register correctly or less than the amount of water passing through the meter the fee of one dollar shall be paid into the public revenue.

(3) If the meter is found upon test to register more than two per cent in excess of the amount of water passing through, the meter shall be repaired and replaced or renewed without charge to the consumer and the fee of one dollar returned to the consumer.

14. (1) No person, other than the Chief Executive Engineer, shall provide any meter for the supply of water under this Act.

Offences in regard to meter.

(2) No person, other than a person authorised by the Chief Executive Engineer, shall fix, refix, remove, alter, repair or otherwise interfere with a meter.

(3) Any person contravening any of the provisions of this section shall be liable on conviction to a fine of twenty dollars and in default of payment to imprisonment for one month and in addition thereto the Court may order any persons convicted of an offence against subsection (2) hereof to pay to the Chief Executive Engineer the cost of all necessary repairs, alterations and replacements of such meter.

15. (1) All charges for water supplied under this Act shall be paid to the Chief Accountant on demand and the Chief Accountant may sue for and recover the same in the Court.

Collection of charges.

(2) If any charges remain unpaid for a period of thirty days after the same have been lawfully demanded the Chief Executive Engineer may, after consultation with a medical officer or Chief Health Inspector, disconnect the supply and, on payment thereof, make such charge for the re-connection of the supply as may be prescribed.

16. (1) It shall be lawful for the Minister from time to time to make such rules as he shall think necessary for the -

Rules.

- (a) position and construction of and the size, material, kind and number of service pipes to any house premises and property and of the water supply fittings therein;
- (b) inspection of service pipes and water supply fittings;
- (c) prevention, notification and repairing of leaks in service

pipes or water supply fittings;

- (d) licensing of persons to perform work connected with the supply of water;
- (e) the charge to be made for water supplied, otherwise than by meter, and the method by which it shall be imposed and collected;
- (f) position and construction of and the use, inspection and approval of meters and the charge therefor including meter rent and the amount of deposit against cost of a meter and the scale of charges to be made when water is supplied by meter;
- (g) charge to be made for water supplied to ships, boats, hulks, steamers or other vessels and the method of collecting the same:

Provided that it shall be lawful for the Minister from time to time to exempt any of Her Majesty's ships of war or the ships of war of any foreign power from payment of any charge for water supplied;

- (h) exempting such persons, corporations, institutions or otherwise, as the Minister shall think fit from the payment of charges under this Act;
- (i) charges to be made for water supply fittings, pipes and installations and for any other thing supplied or service rendered in connection with the supply of water;
- (j) generally for such other purposes as may be found necessary for the maintenance of any efficient water supply to all users of the same and for carrying out the purposes of this Act.

(2) Any person contravening any of the provisions of such rules shall be liable to a fine of ten dollars and may in addition have his water supply cut off:

Provided that such water supply shall not be cut off unless a medical officer or the Chief Health Inspector shall first have been consulted.

NOTE:

See the Water Supply Rules (p. 1043 of Rev. Edn.) as amended by LN 26 of 1971 and LN 62 of 1975.

Subsidiary legislation under this Act, including rules under this section, are required, by virtue of section 56 of the Interpretation and General Provisions Act 1978, to be laid before Parliament and may be annulled by resolution of Parliament.

17. Whenever the quantity of water available has diminished to such an extent that it is expedient in the opinion of the Chief Executive Engineer to diminish the supply of water he may, with the approval of the Minister and after giving public notice of his intention to do so -

Power to disconnect supply.

- (a) lessen the supply of water throughout the whole or part of the water supply system to such extent for such time and in such manner as he may think proper; or
- (b) lessen the supply to any particular class or classes of consumers; or
- (c) for such time as he may think proper discontinue the supply for any particular purpose:

Provided that in the execution of the powers conferred by this section the Chief Executive Engineer shall as far as practicable maintain a constant and undiminished supply of water for domestic purposes.

18. (1) Whenever the quantity of water available has diminished to such an extent or, if for any other reason, the Chief Executive Engineer considers that in order to maintain supplies of water it is expedient so to do, he may, with the approval of the Minister, by notice prohibit or restrict the use of water for any purpose which he shall specify in such notice.

Power to prohibit or restrict the use of water for specified purposes.

(2) A notice under this section may be directed to any particular consumer or group of consumers or may be applied to any area to which the provisions of this Act apply, or part thereof.

19. The Minister shall not in any case be liable to action for damages by reason of non-supply of water caused by any defect in pipes or otherwise or by reason of stopping water for the purpose of repairs or alterations to any pipe or part of the water-works or for any other act done in the execution of this Act.

Indemnity of Minister.

PART II

SUPPLY OF WATER TO OTHER PARTS OF SOLOMON ISLANDS

20 It shall be lawful for the Minister by order from time to time to apply the provisions of this Act to such areas of Solomon Islands as he shall deem proper and thereupon the Chief Executive Engineer shall have the same rights and powers with respect to such areas as he has with respect to Honiara under this Act and all

Extension of Act to other areas of Solomon Islands.

the provisions of this Act except such as may be excluded in the order shall have application to such areas as if the same formed part of Honiara.

NOTE:

See Order applying the Act to certain areas (p. 1048 of Rev. Edn.).

See also second note to section 16 above.

Delegation
of powers.

21. The Chief Executive Engineer may, subject to the approval of the Minister, delegate to any officers any or all of his powers under this Act with respect to an area to which the provisions of this Act have been applied under section 20.