

ST. CHRISTOPHER AND NEVIS

CHAPTER 11.06

WATERCOURSES AND WATERWORKS ACT

and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

(Section 10)

THE WATERCOURSES AND WATERWORKS REGULATIONS

Short title.

1. These Regulations may be cited as the Watercourses and Waterworks Regulations.

Interpretation.

2. In these Regulations unless the context otherwise requires—

“consumer” means the owner, lessee or occupier of any premises, the receiver, attorney, agent, manager, guardian, or committee of such owner, lessee or occupier, or any other person in charge or having the control or possession of any premises in the right of the owner, or having possession in his own right or in that of his wife or any other person;

(Inserted by S.R.O. 21/1975)

“Minister” means the Minister charged with responsibility for water;

(Inserted by S.R.O. 21/1975)

“owner” includes the owner, or lessee of any premises, and the attorney, agent, or manager, of any such owner or lessee.

(Inserted by S.R.O. 21/1975)

Application for a Supply of Water.

3. (1) The Board when requested by application made in writing in one of the forms set out in the Schedule hereto may agree to supply water to a consumer for domestic purposes or any other purpose in accordance with the Watercourses and Waterworks Act. (2) The Board shall notify the applicant of the result of his or her application.

(3) An appeal shall lie to the Minister from any decision of the Board refusing to grant an application under sub-regulation (1).

(Substituted by S.R.O. 21/1975)

Connecting Water Service.

4. (1) On the application being approved the Board shall connect the water service to the premises or permit the same to be connected under its supervision.

(2) The water service shall not be connected to any urinal, water closet, or other similar sanitary apparatus except through a cistern and in accordance with such directions as may be given by the Board.

(3) Every water service discharging water into any bath, sink or other similar receptacle shall be so placed as to discharge above the top water level.

(4) Every cistern or tank which is connected to a water service and is used for storing a supply of water from the waterworks shall be maintained clean and watertight and fitted with a proper cover, and the cover shall be fitted with an inspection plate and the water inlet shall be provided with a suitable and effective ball valve.

(5) The water service shall not be connected to any premises unless the Board is first satisfied that surplus water may easily be drained from such premises.

(6) No new water service shall be turned on, on any premises on which there is no meter installed until the water rate payable on account of such water service shall have been first paid.

Maintenance of Water Service.

5. (1) The Board may, from time to time, effect repairs to the water service in any premises whenever they shall think necessary or at the request of the owner thereof who may be required first to deposit the estimated cost of such repair.

(2) No alteration or addition to any water service shall be made without the consent of the Board or without the execution thereof being subject to their inspection or control.

Cost of Connecting, Repairing, etc. Water Service.

6. Where a water service is connected, repaired, altered or extended by the Board the cost shall include the following—

(a) the cost of all materials used (except meters) increased by 33 1/3 per centum;

(b) the cost of labour;

(c) any expenses incurred in carrying out the work including the cost of repairing any part of any street or road broken open for the purpose.

Cost to be Recovered from Owner.

7. (1) The cost of connecting, repairing, altering or extending a water service to any premises shall be recovered from the owner of the premises.

(2) The owner shall, on being notified of the amount due, pay the same into the office of the Water Engineer or at such other place as the Minister may appoint.

(3) The Board shall have power to fix a time for the payment of the amount due by any person and to extend such time or to permit payment being made by instalments.

Domestic Supply.

8. The size of pipe to be used for conveying a domestic supply of water, unless the Board otherwise directs, shall be of half inch internal diameter.

Water Meters.

9. (1) The Board shall have the right to require that any water supply connected to the distribution main shall be metered and all meters shall be provided by and be under the sole control of the Board who shall determine the position of the meters and have access thereto at all times.

(2) The meter shall remain the property of the Board and shall be fitted to a separate and distinct inlet leading direct from the distribution main into the premises.

(3) Whenever any question shall arise as to the accuracy of any meter the person complaining may on depositing the sum of \$10.00 with the Board require the meter to be tested and subsequent charges shall be based on the result of the test.

(4) A meter shall be deemed to be correct if its error does not exceed three per cent.

(5) Meters shall be tested by or on behalf of the Board and the result of the test shall be binding both on the Board and on the person complaining and the quantity of water indicated by the meter as consumed since the immediately preceding reading shall be corrected according to the result of the test.

(6) In the event of a test being made in accordance with the provisions of this regulation, if the meter be found to indicate correctly within 3 per cent, then the charge payable for testing the meter shall be paid to the Board by the person complaining:

Provided that the Board may remit such charge in any case for just cause.

(7) If the meter is found to be out of order the amount of the deposit shall be returned to the person complaining.

(8) If a meter is found to be out of order or if it be removed for repairs the consumption for the time during which the service was without a meter shall be calculated according to the average daily rate of consumption that obtained preceding the removal of the meter during the period between successive readings whilst the meter was in good order or if the foregoing is not possible the consumption of water shall be assessed according to the average daily rate of consumption as indicated by a new meter or by the reinstated meter, as the case may be, during the period of one month from the date of the fixing of a new meter or the re-fixing of the old meter:

Provided that in no case shall the amount payable be less than the minimum charge.

(9) Any member of the Board or any officer, employee or person authorised by the Board shall be at liberty to enter any premises where a meter is installed at all reasonable times for the purpose of reading, checking or inspecting the Meter.

(10) The size of a service pipe for the purpose of determining the water service rate payable in respect of any premises shall be taken as the size of the pipe at the discharging cock or valve.

(11) In addition to the water service rate payable in respect of any premises, the Board shall charge a rental of \$7.20 per annum in respect of any meter installed by the Board on any premises, which rental shall be payable in equal monthly instalments together with the water service rate under regulation 12.

Materials, Fittings, etc.

10. All pipes, tubes, cocks, valves, fittings and other materials to be used in connecting or extending a water service may be provided by the Board or may be approved by the Board.

Appointment of Assessors.

11. The Board may, in the absence of an assessed rental value for the purposes of the Property Tax Act, Cap. 20.32 or any Act amending or substituted for the same, appoint such persons as they think fit to assess the rental values of any premises supplied with water from the Waterworks.

Payment of Water Rates.

12. (1) The water service rate due to the Board for water supplied shall be due and payable on demand.

(2) The amount due and demanded for water supplied shall be paid by and be recoverable from the person requiring, receiving or using the water supplied by the Board.

Discontinuance of Water Supply.

13. (1) Without prejudice to the payment of water rates the Board may regulate or suspend the supply of water to any premises in the event of drought or to enable an examination of any water service or of any part of the waterworks to be made or any repairs or alterations to any water service or waterworks or any other work necessary for the maintenance of the water supply to be effected.

(2) The Board may, without prejudice to any other right or remedy of the Board in any of the circumstances mentioned hereunder, cut off or disconnect the supply of water to any premises—

(a) where the water rate in respect of the premises has remained unpaid for seven days after the same has become payable under these Regulations;

(b) where there has been undue waste or improper use of the water.

(3) Where the Board supplies water to two or more premises owned or occupied by the same person and the water rate payable by such person in respect of any of those premises has remained unpaid for seven days after the date fixed for payment thereof, the Board may, if the Board shall think fit so to do, without prejudice to any other right or remedy of the Board, cut off or disconnect the supply of water to all or any of those premises until such sum together with all expenses incurred by the Board shall have been paid.

(4) When the supply of water to any premises is disconnected for default in the payment of water rate such service may be reconnected on payment by or on behalf of the defaulting party of the arrears of water rate due and in addition of an additional fee of \$20.00.

Control of Stand Pipes.

14. (1) No person shall allow water from any stand pipe to flow—

(a) into any vessel which is at the time overflowing; or

(b) into any vessel which at the time, is unable to retain its contents.

(2) No person shall turn on the tap or cock of any stand pipe and allow the water flowing therefrom to go to waste.

(3) No person shall bathe, or wash any clothes or wash any child, animal or vehicle at or near any stand pipe.

Protection of Watercourses.

15. The Board may—

(a) authorise any employee of the Board to cut, fell or burn any tree or underwood whatever growing or that shall grow within a distance of thirty feet of any watercourse;

(b) prohibit within the distance aforesaid the cultivation of any land or the depasturing or grazing of any livestock.

Offences and Penalties.

16. Every person who contravenes any of these Regulations commits an offence and shall be liable, on summary conviction, to a fine not exceeding three hundred dollars or imprisonment for a term not exceeding six months.

(Amended by Act 9 of 1986)

SCHEDULE TO THE REGULATIONS

(Regulation 3)

(Schedule substituted by S.R.O. 21/1975)

FORM 1

SAINT CHRISTOPHER AND NEVIS

WATER DEPARTMENT

WATERCOURSES AND WATERWORKS ACT

CHAPTER 11.06

Application for Water to be supplied to Premises where the applicant is the owner.

No.

Date Received

District

In accordance with the Watercourses and Waterworks Act, Chapter 11.06 and the regulations made thereunder, I hereby apply for the premises described hereunder of which I am the owner to be connected to and supplied with water from the Waterworks.

I agree to pay all charges and costs payable under the Watercourses and Waterworks Act or the regulations made thereunder.

1. Full name of Applicant.....

(Block Capitals)

2. Postal address of Applicant.....

3. Description and number *(if any)* of premises concerned

4. Purpose for which the water is required

(whether domestic or non-domestic)

Signature of Applicant

Date

