

The Barbados Water Authority Act, 1980
(Act 1980-42)

THE WATER SERVICES REGULATIONS, 1982

The Board in exercise of the powers conferred on it by section 28(2) of the *Barbados Water Authority Act, 1980* makes the following regulations:

1. These regulations may be cited as the *Short title Water Services Regulations, 1982.*

2. In these regulations:

Interpre-
tation

“commercial and industrial consumer” means a consumer who uses the water supply services of the Authority in connection with any trade, business or industry;

“meter” means any instrument, apparatus or device for measuring the quantity of water supplied by the authority to a consumer.

3. (1) The Authority shall keep and provide a *water supply* constant supply of water, sufficient for the domestic, commercial and industrial use of occupiers of property who are, in accordance with these regulations, entitled to be supplied with water by the Authority.

(2) The Authority may enter into special contracts to provide water supply services to any premises or group of premises for irrigation or other purposes not specified in paragraph (1) subject to such terms and conditions as are agreed between the parties or as the Authority determines.

Requests
for and
provision
of supplies

4. (1) An occupier of property may apply to the Authority for the supply of water to the property.

(2) An application made under paragraph (1) must be in such form and is subject to such terms and conditions as the Authority determines.

(3) The person mentioned in paragraph (1) shall pay to the Authority the cost of providing and laying all pipes and fittings necessary to connect the property to the mains of the Authority.

(4) The Authority may enter into an agreement to

- (a) supply water to premises for purposes other than domestic purposes, where the supply does not at anytime interfere with the supply for domestic purposes; and
- (b) install water mains on lands that are being used or are intended to be used for development purposes.

5. (1) All pipes or other fittings necessary for the conveyance, delivery or storage of water

Types and
conditions
of fittings

(a) that are to be laid on an occupier's property; or

(b) that are to be connected to pipes and fittings belonging to the Authority must be of a type approved by the Authority and shall be kept in a serviceable condition by the occupier at his own expense and to the satisfaction of the Authority.

(2) Pipes and fittings that are not approved by the Authority or are not kept in a serviceable condition may be removed by, or at the direction of the Authority, and the Authority may, where it considers it necessary, discontinue the supply of water to an occupier who fails to comply with this regulation.

6. Subject to regulation 7, an owner or occupier of property shall pay to the Authority at such times and at such places as the Authority specifies the rates and charges prescribed by the Authority in pursuance of the Act.

Rates and
charges

7. Where any person enters into a special contract with the Authority for water supply services, that person shall pay rates and charges in accordance with the terms of the contract.

Special
rates and
charges

Billing

8. The Authority shall, at such intervals not exceeding three months, as the Authority determines, prepare and render to occupiers, bills for rates, charges or fees in respect of water supply services, and the occupier shall pay the bills not later than thirty days after the bills are rendered.

Dis-contin-
uance
for non-
payment

9. (1) Where an occupier is in arrears with the payment of any rates, charges or fees, or neglects or fails to make payments, the Authority may, without notice, discontinue the water supply services to that occupier; and the supply may not be resumed to the premises until all such arrears, and any further charges or fees that might properly have accrued or have become payable, have been paid.

(2) The discontinuance of the supply of water under paragraph (1) does not prevent the accrual of any further proper charges or fees.

(3) Where a person to whom paragraph (1) applies ceases to occupy the premises in respect of which the water rates, charges or fees, are payable without having paid them, the Authority may, in relation to any other premises occupied by the person

(a) withhold the supply to the other property; or

(b) if water has already been supplied, discontinue the supply of water, to the other property, until payment is made.

10. Where, pursuant to regulation 9, the Authority discontinues water supply services to an occupier, the Authority may charge the occupier the appropriate fee for reconnecting the supply. Re-connection charges

11. The rates, charges or fees payable by an occupier and the expenses reasonably incurred by the Authority in disconnecting or reconnecting a water supply may be recovered by the Authority as a debt due to the Authority in any court of competent jurisdiction where Recovery of unpaid rates, etc.

- (a) the occupier is in arrears with the payment of the rates and charges, or fails to pay the expenses reasonably incurred in disconnecting and reconnecting the water supply; and
- (b) the Authority makes a demand for payment and the occupier fails to make payment within thirty days after the date of the demand.

12. (1) Where

Restrictions in service

- (a) there is a deficiency in the source of supply owing to a drought, or to any contingency affecting any supply works or machinery, or to any interruption caused by repairs, accident or other cause; or

(b) the Authority or its General Manager considers it expedient to interrupt the supply of water,
the Authority may, without notice, reduce or temporarily discontinue the supply of water to all or any particular area.

(2) Paragraph (1) does not

(a) impose any liability on the Authority by reason of the reduction or temporary discontinuance of the supply of water,

(b) affect the liability of an occupier to pay all the proper rates, charges or fees.

Avoidance
of waste
or misuse

13. (1) An occupier shall cause all taps to be kept properly washered, and all pipes, taps, tanks, basins, hydrants and other fittings to be maintained in such condition that leakage or other waste of water is prevented.

(2) No person shall cause or permit to run to waste any water from any pipe, or fittings connected to the pipes, of the Authority,

(3) No person supplied with water from the Authority for domestic purposes shall use the water for purposes other than domestic purposes.

(4) No person supplied with water from the Authority for purposes other than domestic purposes shall use the water for purposes other than those for which it was supplied.

(5) Where an occupier contravenes, or causes or permits the contravention of this regulation, the Authority may discontinue the water supply services of the occupier and may cease to supply the occupier with water for the duration of the contravention.

14. (1) Where there is a deficiency in the supply of water owing to a drought or other cause, the Authority may, by notice, prohibit either absolutely or subject to such conditions as the Authority specifies and for such period as the Authority considers necessary or expedient, the use of water supplied by, or obtained through the pipes of the Authority for

Restrictions
as to use in
cases of
shortage

- (a) irrigation or watering of gardens, lawns and grounds;
- (b) filling or supplying tanks, ponds, baths or swimming pools other than
 - (i) dipping tanks for cattle;
 - (ii) domestic baths not exceeding one hundred and twenty litres in capacity, and

(iii) elevated reserve tanks, not exceeding eight hundred litres in capacity and connected to household sewerage or water supply systems;

(c) washing roadways, pavements, paths, garages, outrooms or vehicles; and

(d) any purpose that, in the opinion of the Authority, requires the use of a considerable or excessive quantity of water.

(2) A notice mentioned in paragraph (1)

(a) must specify the date on which the prohibition takes effect; and

(b) must be published

(i) in the *Official Gazette*, and

(ii) in a daily newspaper circulating in Barbados for not less than four days preceding the date upon which the prohibition takes effect.

(3) While a prohibition is in effect, no person shall use or cause or permit to be used, for any prohibited purpose, any water supplied by or obtained from the pipes of the Authority.

(4) A person who contravenes this regulation is guilty of an offence and liable on summary conviction to a fine of five hundred dollars and in default of payment to imprisonment for one month.

15. The Authority may install a meter on any ^{Meters} property and the rates and charges to be paid by the occupier of the property shall be determined according to the quantity of water registered by the meter.

16. (1) Where a meter is found to be defective, the ^{Accuracy} limits of inaccuracy and the estimate of consumption ^{of meters} shall be regulated as follows:

- (a) where the quantity of water registered by a meter at normal flow is not more than five per cent above or below the actual quantity passed, the meter shall be deemed to be accurate;
- (b) where the meter ceases to register, or is proved to register inaccurately the quantity of water passing through it, the Authority may make a fair and reasonable estimate of the quantity supplied and such estimate shall be based on
 - (i) the registration of a substituted meter,

- (ii) the average registration during the preceding three months,
- (iii) the average registration during the corresponding three months of the previous year, or
- (iv) whatever basis is considered equitable by the Authority, having regard to the circumstances of the case.

(2) Where an occupier requests the removal and testing of a meter, he must, before the meter is removed, pay, to the Authority, the cost of removing, carting and testing the meter.

(3) Where a meter is found to be inaccurate, by registering on test at normal flow more than five per cent above or below correct registration, the amount paid pursuant to paragraph (1) shall be refunded to the occupier by the Authority and his account for water rates shall be adjusted in accordance with the percentage of error.

(4) Where for any reason the registration of the meter is not recorded, the occupier shall be charged for each month in which registration is not recorded for a quantity of water equal to the average monthly consumption of the previous three months, determined in accordance with paragraph (1) (b) (ii) to (iv).

17. (1) Where an occupier, or any other person wilfully, maliciously or carelessly breaks or damages any pipe, meter, stop-cock, fitting or any other apparatus belonging to the Authority, the Authority may include, on the appropriate water bill of the occupier or other person, the amount reasonably incurred by it in replacing or repairing the pipe, valve, meter, stop-cock, fitting or other apparatus.

Damaging
of fittings

(2) In default of payment the Authority may recover the amount referred to in paragraph (1) in civil proceedings in any court of competent jurisdiction.

18. A person who

Offences

(a) being an occupier of property

(i) connects, or causes or permits the connection of pipes on the property to the mains of the Authority, or

(ii) uses, or causes or permits the use of water from a pipe on the property when he knows or ought reasonably to have known that the pipe has been illegally connected to the mains of the Authority;

(b) not being supplied with water by the Authority takes water from the

Authority's waterworks, other than such water and in such manner as may be provided for the gratuitous use of the public;

- (c) being in possession of the whole or part of any property supplied with water by the Authority sells water to any person;
- (d) assaults, molests, obstructs, hinders or resists, or aids or incites any person to assault, molest, obstruct, hinder or resists or uses any abusive and calumnious language to any officer, authorised agent or servant of the Authority in the exercise of the powers conferred by these regulations;
- (e) being supplied with water by the Authority suffers any pipe, tap, tank, basin, hydrant or other fitting or apparatus to be in dis-repair to such an extent that the water supplied is wasted or polluted;
- (f) wilfully, maliciously or carelessly breaks, or damages, any pipe, meter, valve, stop-cock or any other apparatus belonging to the Authority;
- (g) on making an application for the supply of water knowingly makes any

statement that is false in a material particular;

(h) being supplied with water by the Authority makes any alterations to any communication or service pipe or to any apparatus connected therewith, without the consent in every case of the Authority; or

(i) whether or not he is supplied with water from the Authority, takes water from a standpipe, or uses water that he knows to be so taken for purposes other than those permitted

is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for three months.

19. (1) Any person to whose premises water is supplied shall, within ten days after being requested by the Authority, obtain from the Commissioner of Valuations and produce to the General Manager of the Authority a valuation certificate in respect of the premises.

(2) Where an owner or occupier refuses or fails to comply with a request made under paragraph (1), the General Manager or any person authorised by him in writing may enter the premises to which the request relates for the purpose of making the required valuation.

(3) Subject to paragraph (5) an owner or occupier who

(a) refuses or fails to comply with paragraph (1); or

(b) assaults, obstructs, or uses abusive language to the General Manager, or any person authorised by him under paragraph (2)

is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for three months.

(4) A request for inspection shall be sent by registered letter and evidence that the letter was properly addressed and put into the Post is conclusive that the request was properly made.

(5) An owner or occupier of premises who with reasonable excuse fails to comply with a request to which paragraph (1) refers may, within the period specified in that paragraph, deliver to the General Manager a signed statement containing

(a) the reasons for failure to comply with the request; and

(b) an assessment of the net value of the premises,

and if the General Manager is satisfied as to the facts contained therein, the owner or occupier shall be treated as having complied with the request.

(6) A person who makes a false statement under paragraph (5) is guilty of an offence and liable on summary conviction to a fine of five hundred dollars or to imprisonment for six months or both.

20. (1) The Authority shall, where it enters into ^{Plumbing} an agreement to install water mains on lands that are being used or intended to be used for development purposes, prepare a written estimate of the cost of the work required to be executed and the person with whom the agreement is entered into shall, before the commencement of the work, pay to the Authority such percentage of the estimated cost as the Authority determines.

(2) Any balance of the actual cost of the work executed by the Authority due after the percentage referred to in paragraph (1) has been paid becomes, together with an amount equivalent to sixty per cent of the actual cost, payable immediately after the water service has been installed.

(3) Any balance or surcharge that remains unpaid after the expiration of one month after the date on which it became payable may be recovered by the Authority in any court of competent jurisdiction.

(4) In computing the actual cost of work executed under this section, labour costs, the cost of material and of transporting the material shall be included.

Provision
and repair
of pipes,
etc.

21. (1) The Authority shall

- (a) furnish to any person who, or any of whose property or premises is supplied or is about to be supplied by the Authority with water, such meters, cisterns, pipes, valves, ferrules, cocks, baths, water closet boxes, apparatus, receptacles, fittings and appliances as are required or permitted by these regulations in connection with the supply of water, and shall provide all materials and do all work necessary or proper in that behalf; and
- (b) renew, repair, alter and test the meters, cisterns, pipes, valves, ferrules, cocks, baths, water closet boxes, apparatus, receptacles, fittings and appliances mentioned in paragraph (a).

(2) The cost of materials and labour furnished by the Authority, together with cost of transporting the materials with thirty per cent in addition thereof shall be paid by the owner of the property or premises mentioned in paragraph (1) or by his agent authorised in writing in that behalf.

22. No liability attaches to the Authority, in liability the absence of an express agreement to the contrary, for its failure to supply water where the failure arises from drought or other unavoidable cause or accident.

23. Any dispute in connection with water Disputes supply services arising between an occupier and any officer, servant or agent of the Authority, may, on the application of either party be referred to the Authority.

Made by the Board this 11th day of January, 1982.

F. ODLE
Chairman
Board of Directors
Barbados Water Authority.

Approved by the Minister this 25th day of August, 1982.

O'BRIEN TROTMAN
Minister responsible for the Barbados
Water Authority.