

**FREEPORT (WATER PRESERVATION) BYE-LAWS** *S.I. 54/1967*

## (SECTION 5)

*[Commencement 5th October, 1967]*

1. These Bye-laws may be cited as the Freeport (Water Preservation) Bye-laws. Title.
2. In these Bye-laws, unless the context otherwise requires — Interpretation.

“the Act” means the Freeport Bye-laws Act;

“authorised supplier” means the Company and any person who is authorised to provide a public water supply within any specified area of the Port Area by virtue of —

- (a) any grant of land made by the Port Authority or the Grand Bahama Development Company Limited; or
- (b) any permit issued by the Company under the provisions of bye-law 8 hereof;

“the Company” means the Grand Bahama Utility Company Limited being a licensee of the Port Authority empowered to supply water to the public in the Port Area;

“health officer” means any member of the Health Department authorised by the Minister for Health to act as a health officer and includes a commissioner so authorised;

“installation” includes any well, pipe, reservoir, pump, purifying plant, or any machinery or buildings required or used in connection with a public water supply;

“private water supply” means the supply of water which with the prior permission of the Port Authority under section 4(1) of the Act is obtained from a well or wells serving premises designed and used only for residential purposes by a single family;

“public water supply” means any supply of water which is not a private water supply;

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“waste water” means liquid (including sewage) other than natural surface water or water that is fit for domestic purposes.

**PART I**  
**WELLS AND PERMITS**

Application for well permits.

**3.** Any person (not being an authorised supplier) who wishes to obtain permission under the provisions of section 4(1) of the Act for the purpose of abstracting underground water or additional quantities thereof shall make application in writing to the Company on a printed form to be obtained from the offices of the said Company and shall supply the information prescribed in the said form.

Grant of well permits.

**4.** (1) Where in the exercise of its discretion the Port Authority decides to grant permission under the provisions of section 4(1) of the Act the Company shall convey such permission in writing by the issue to the applicant of a document to be known as a “well permit” which shall be signed on behalf of the Port Authority by a duly authorised officer of the Company.

(2) Every well permit shall be valid for such period from the date of issue thereof as may be specified therein (not being a period exceeding five years) and shall be subject to such conditions respecting the mode of construction and method of maintenance of the well as may be stated in the permit.

(3) Any well permit granted in pursuance of the provisions of this bye-law may be extended from time to time by endorsement thereon for such periods as may be specified not exceeding five years and shall be subject to the same or such other conditions as may be stated therein.

(4) Where the Port Authority refuses to issue a permit under the provisions of this bye-law, the applicant may within thirty days of receiving a notification to that effect, appeal against such refusal to the Stipendiary and Circuit Magistrate.

Limitation on the grant of well permits.

**5.** No well permit shall be issued for the construction or enlargement of any well —

- (a) to any person for a private water supply in any area where a public water supply is available; or
- (b) of greater depth than fifteen feet below sea level datum.

6. (1) Where any well permit is granted subject to any conditions stated therein, any breach of any such condition shall render the permit invalid. Revocation of well permits.

(2) Where any well permit is granted to any person for the purposes of a private water supply, such permit shall cease to be valid upon such date as a public water supply becomes available within the area to which such well permit relates.

7. Where any well is abandoned or the well permit relating to such well ceases for any reason to be valid, the owner of the land upon which such well is situated shall forthwith cause the well to be plugged and sealed in such manner as to close the same effectively for the purposes of preventing pollution of the subsoil water. Sealing of wells, etc.

## PART II PUBLIC SUPPLIES OF WATER

8. (1) Where any person not being otherwise empowered to provide a public water supply wishes to obtain a permit from the Company as an authorised supplier within any area of the Port Area, he shall make application to the Company on a printed form to be obtained from the offices of the said Company and shall supply the information prescribed in the said form. Permit to provide public water supplies.

(2) Where in the exercise of its discretion the Company decides to grant such application the Company shall issue to the applicant a permit authorising him to provide a public water supply within such area of the Port Area as may be specified therein and subject to such conditions as may be stated in the permit.

(3) Where the Company refuses to issue a permit under the provisions of this bye-law, the applicant may within thirty days of receiving a notification to that effect, appeal against such refusal to the Stipendiary and Circuit Magistrate.

(4) No person other than an authorised supplier shall provide a public supply of water within the Port Area.

9. (1) Before commencing the construction of a public water supply or any extension or modification thereof an authorised supplier shall submit to the Company detailed plans of the proposed installation, or any proposed Control over authorised suppliers.

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extension or modification of an existing installation. Such plans shall be designed by a person whom the Port Authority shall deem to be qualified having regard to the nature of such installation and shall conform with such requirements as to standards of practice and materials to be used as may be determined by the Port Authority.

(2) No authorised supplier shall construct an installation for a public water supply or any extension or modification thereof unless and until the detailed plans therefor have been approved in writing by the Port Authority.

(3) An authorised supplier shall not commence to provide a public supply of water until his installation (or any extension or modification thereof as the case may be) has been examined and approved by the Company as being in conformity with the approved detailed plans therefor.

(4) Any applicant who is aggrieved by a decision of the Port Authority or of the Company in respect of any of the matters referred to in paragraphs (1), (2) or (3) of this bye-law may, within thirty days of being notified of that decision, lodge an appeal with the Minister for Works who, after taking into consideration any written submissions of the parties, shall determine the matter.

(5) The plans for any proposed installation or any proposed extension or modification of a public water supply shall include details of the proposed location, design and construction of any well, bore-hole or other work intended to be used for the purpose of extracting underground water or additional quantities thereof and upon any such plan being approved under the provisions of paragraph (2) of this bye-law, the authorised supplier shall be deemed to have obtained the permission of the Port Authority for such well, bore-hole or other work in compliance with section 4(1) of the Act.

(6) The requirements of this bye-law shall not apply to any installation or any extension or modification thereof which was constructed or was in course of construction on the date that these Bye-laws came into operation.

**10.** (1) Where in any case the Company deems it necessary in the public interest to do so, the Company shall by notice in writing require any authorised supplier to employ sufficient responsible personnel for the proper operation and supervision of his installation and he shall

Provision of  
personnel

satisfy the Company that at least one of the persons so employed has had previous experience in the operation and supervision of such an installation.

(2) No person who is suffering from typhoid fever, paratyphoid or any other salmonella infection or dysentery or who knows himself to be a carrier of any such disease shall in any manner engage in the operation of any installation which supplies domestic water to members of the public.

**11.** It shall be the duty of every authorised supplier to maintain his installation free from pollution and in good working order and to permit any health officer or duly authorised officer of the Company to inspect such installation or any specified part thereof at any time after due notice in writing shall have been served upon him.

Proper maintenance of installation.

**12.** (1) It shall be the duty of an authorised supplier to exercise all reasonable care and skill to ensure that any water supplied by him for domestic purposes is wholesome according to the relevant provisions of the International Standards for Drinking Water for the time being prescribed by the World Health Organisation.

General duty of authorised suppliers.

(2) It shall be the duty of an authorised supplier to notify a health officer and the Company and to warn consumers without delay should he have any reason to apprehend that any such water has developed any properties which may be potentially dangerous to health.

**13.** (1) It shall be the duty of any authorised supplier at such periodical intervals as shall be determined by the Company, to submit for analysis and report (at the expense of the authorised supplier) to such independent authority as the Company may specify samples of water supplied by such supplier to consumers for domestic purposes. The report of any such analysis shall be transmitted to the Company as soon as it becomes available.

Periodical sampling.

(2) Where any health officer has reasonable cause to suspect that any water supplied by an authorised supplier to consumers for domestic purposes may have become polluted, he shall have the right to obtain and take away samples of such water and to cause the same to be analysed. Any person who wilfully obstructs a health officer exercising his right to obtain and take away samples by virtue of this paragraph of this Bye-law shall be guilty of an offence.

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**PART III  
FURTHER PROVISIONS TO PREVENT  
WASTE OR POLLUTION**

Conservation of  
underground  
water.

- 14.** No person shall wilfully or negligently —
- (a) cause or allow any underground water to run to waste from any well, bore-hole or other work except for the purpose of testing the extent or quality of the supply or of cleaning, sterilising, examining or repairing the well, bore-hole or other work; or
  - (b) abstract from any well, bore-hole or other work water in excess of his reasonable requirements:

Provided that no person shall be entitled to abstract in any period of twenty-four hours from all such wells, bore-holes or other works for which he holds a valid permit or permits more than eight hundred and fifty imperial gallons of water in the aggregate for every acre of land in the Port Area of which he is the owner or occupier, or where he owns or is the occupier of less than one acre, such lesser quantity of water as represents the same proportion of eight hundred and fifty imperial gallons as the area he owns or occupies bears to one acre.

Waste of water  
by householders.

**15.** If the owner or occupier of any premises wilfully or negligently causes or suffers any water fitting which he is liable to maintain —

- (a) to be or to remain so out of order or so in need of repair; or
- (b) to be or remain so constructed or adapted or to be so used, that the water supply to those premises is or is likely to be wasted, misused or unduly consumed or polluted before use, he shall be guilty of an offence.

Power to prohibit  
or restrict  
temporarily use  
of water.

**16.** (1) If the Company is of the opinion that a serious deficiency of water available for distribution in any part of the Port Area exists or is threatened, the Company may for such period as it thinks necessary prohibit or restrict the use of water for any purpose or purposes specified by the Company.

(2) The Company shall before the prohibition or restriction comes into force give public notice in a

newspaper circulating within the Port Area of the nature or extent of the prohibition or restriction imposed and of the date when it will come into force.

(3) Any person who whilst the prohibition or restriction is in force, does any act which contravenes any of its provisions shall in respect of each such act be guilty of an offence.

**17.** Any person who by any act or omission causes water from any well which is used or likely to be used for human consumption or for domestic purposes or manufacturing food or drink for human consumption to be polluted or likely to be polluted shall be guilty of an offence.

Pollution of water used for human consumption.

**18.** (1) Where a health officer or the Company has reasonable cause to believe that water provided by a public or private water supply for domestic purposes is polluted, it shall be lawful for such officer or the Company, as the case may be, by notice in writing served upon the person responsible for such supply to require such person to cease supplying such water to consumers until such steps have been taken as may be prescribed by such notice for the effective sterilisation of the water.

Interruption of supply due to pollution.

(2) Any person who fails to comply with the requirements of any such notice as is mentioned in paragraph (1) of this bye-law shall be guilty of an offence.

**19.** No person shall deposit and no occupier of any parcel of land within the Post Area shall permit or suffer the deposit thereon of any human or animal excrement, garbage, offal, refuse, spoilage, effluent, chemical or other offensive or noxious matter whereby any subsoil water would be likely to become polluted.

Deposit of noxious matter.

**20.** It shall be the duty of every owner of any parcel of land within the Port Area to ensure that any waste water occurring within such parcel is disposed of either —

Disposal of waste water.

- (a) through a drainage well which is constructed and maintained in such a manner as may be prescribed by the Freeport Building and Sanitary Code for the time being in force; or
- (b) where the Port Authority so approves, into an arm of the sea.

Maintenance of  
waste water  
treatment plant.

**21.** Where within any parcel of land in the Port Area waste water is disposed of by means of a treatment plant, it shall be the duty of the owner of such parcel to ensure that such treatment plant is maintained and operated in accordance with such standards as may be prescribed from time to time by the Port Authority and that any records and tests that may be demanded by the Port Authority are punctually and accurately carried out.

#### **PART IV GENERAL**

Entry upon  
premises.

**22.** A health officer or an authorised officer of the Company may during the hours of daylight on producing if required evidence of his authority, enter upon any premises within the Port Area in order to examine if there be any waste or misuse or pollution of water and if after production of his authority he is refused admission to the premises or is obstructed in making his examination, the person refusing him admittance or so obstructing him shall be guilty of an offence.

Offences.

**23.** Any person who contravenes or fails to comply with any of the provisions of these Bye-laws shall be guilty of an offence against the Act and shall be liable on summary conviction to a fine not exceeding one hundred and forty Bahamian dollars (B\$140.00) or imprisonment for a period not exceeding three months.