

COMMONWEALTH OF DOMINICA

ACT No. 19 OF 1986.

I assent

C. A. SEIGNORET
President.

1986.

~~AN~~ ACT TO REPEAL THE CENTRAL WATER AUTHORITY ACT 1967, TO MAKE THE GOVERNMENT OF DOMINICA THE WATER AUTHORITY FOR DOMINICA WITH SOLE JURISDICTION IN ALL MATTERS PERTAINING TO THE SUPPLY OF WATER IN DOMINICA AND FOR THE ASSUMPTION BY THE GOVERNMENT OF THE LIABILITIES, POWERS, PRIVILEGES AND ASSETS OF THE CENTRAL WATER AUTHORITY. Act 33 of 1967.

(Gazetted 7th August, 1986.)

~~BE~~ ^{IT ENACTED} ENACTED by the Parliament of the Commonwealth of Dominica as follows:—

Act may be cited as the—

~~CENTRAL WATER AUTHORITY~~ WATER AUTHORITY (REPEAL AND VESTING OF PROPERTY) ACT 1986. Short title.

In this Act—

“Authority” means the Dominica Central Water Authority

Interpretation.

Act 33 of 1967.

established under Section 3 of the Central Water Authority Act 1967;

“Competent Authority” means the officer or authority designated for the purpose by the Minister;

“domestic supply” means water from the Waterworks used in any tenement for any purpose of domestic life;

“gathering grounds or catchment areas” means any surface of land or other device which collects the rainfall for the purposes of the Waterworks;

“improvements” means any and all replacements, additions, extensions, and betterments of and to the Waterworks;

“meter” means any appliance used to measure, ascertain or regulate, the amount of water taken or used from the waterworks by means of any service, as well as any appliance used in estimating the flow of water in or from any part of the Waterworks;

“Minister” means the minister to whom responsibility for the subject of water is for the time being assigned;

“non-domestic supply” means any water from the works used for the purpose of or in carrying on, any or manufacture; or for cattle, horses or other animals for watering fields or gardens cultivated or occupied means of pecuniary profit; or for commercial laundries, public wash houses, public baths, vessels, ships or boats and includes any water from the Waterworks used for any person resident in, or occupying any premises, where non-domestic supply is given;

“owner” in relation to any building or land, means a person other than a mortgagee not in possession, who for the time being is entitled to dispose of the right of ownership of the building or land whether in possession or reversion and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement the unexpired term whereof exceeds three years, the landlord or his agent if the landlord is absent on account of any disability or if there be no such agent the occupier of the building or land;

“public fountains” means any fountain, standpipes, standpost, valve, tap or appliance, used or intended to be used for or in connection with the supply of water to the public from the Waterworks, and erected or hereafter to be erected by the Government;

“service” means all pipes, valves, cisterns, cocks, tanks and other appliances (except any meter or loc

valve) by or through which any water flows or is intended to flow from the Waterworks, or which are or may be used for the purpose of supplying any building from the Waterworks, and which serve as the property of the owner or occupier of such building;

“tenement” means any land with or without buildings, which is held or occupied as a distinct or separate holding or tenancy, or any wharf or pier;

“Waterworks” means all existing reservoirs, dams, weirs, tanks, cisterns, deepwells or boreholes, tunnels, pillar beds, conduits, aqueducts, pipes, fountains, sluices, valves, hydrant pumps, engines, and all other structures or appliances which are at present used or constructed for the storage, purification, conveyance, support, measurement, or regulation of water by or on behalf of the Government, or which may hereafter be used or constructed for the purposes aforesaid by the Government and which belong to or are managed by or vested in the Government.

3. (1) All lands and property of any nature whatsoever vested in the Authority shall be deemed to have been transferred to and are hereby vested in the Government in the same manner and for the same estate as previously held by the Authority. Transfer of assets and liabilities.

(2) All debts due and owing to the Authority immediately before the commencement of this Act shall be deemed to have been due and owing to the Government and all the liabilities of the Authority shall be deemed to have been transferred and assigned to and be the liabilities of the Government.

(3) For a period of twelve months after the commencement of this Act, all rights, powers, privileges and authorities vested in or exercisable by the Authority shall be deemed to have been transferred to and vested in the Government.

(4) Any Act done or document executed by or on behalf of the Authority shall be deemed and construed to have been done or executed as the case may be, by or on behalf of the Government.

(5) Any reference to the Authority in any law or deed, contract, security or other document (whether enacted or made before or after the commencement of this Act) shall, unless the context otherwise requires, be construed to be a reference to the Government.

(6) All actions or proceedings pending or existing by or against the Authority shall be deemed to subsist and may be continued, prosecuted and enforced by or against the Government in the manner as it would have been against the Authority if this Act had not been passed.

Execution of
deeds.

4. All deeds, instruments, contracts and other documents which would formerly have been required to be executed by the Authority including those required by law to be under seal shall be signed by the Minister.

Collection of
rates.

5.—(1) The Government shall have power to fix, levy and demand rates and charges to be paid and collected for the commodities, services and facilities furnished by it.

(2) The Government may recover summarily as a civil debt any charges, levies, rates, debts, dues or expenses payable to or incurred by it by virtue of the carrying out of its obligations under this Act.

Cap. 262.

(3) Nothing contained in this Act or any other law shall prevent the Government from recovering any charge, levy, rate, debt, dues or expenses payable to or incurred by it by virtue of the carrying out of its obligations under this Act or any law under the provisions of the Collection of Taxes Ordinance.

Office of Water
Authority.

6. The office of Government in its capacity as Water Authority will be in the City of Roseau.

Government to
provide adequate
water supply.

7. The Government shall provide the inhabitants of Dominica with an adequate water service and any other service or facilities deemed incidental or appropriate thereto.

General powers
of competent
Authority.

8. Subject to any general or special directions of the Minister the competent Authority shall have the power and authority —

(a) to give effect to and execute any project or scheme for the supplying of water which has been approved and confirmed by Government;

(b) to do all acts or things as the Government may deem necessary or convenient for carrying out the purposes of this Act;

and the competent Authority may, with the approval of the Minister, delegate in writing any or all of the powers conferred on him under this Act.

Regulations.

9.—(1) The Minister may as he deems fit make Regulations for the governance of water and waterworks and without prejudice to the generality of this power and Sections 3 (3) and 5 (1), any such Regulations may make provision for —

(a) the supply of water for sanitary, domestic and non-domestic purposes;

(b) the supply of water to ships;

- (c) the fixing, levying and demanding of rates and charges to be paid and collected for the commodities, services and facilities furnished by Government in its capacity as Water Authority;
 - (d) the assessment of water supply rates;
 - (e) the manner in which general water rates and water supply rates and other payments for water are to be made and the time and place of making and the manner of enforcing such payments;
 - (f) the manner, time and place for making payments for services constructed for private and other persons;
 - (g) the time and mode of making application for any supply of water;
 - (h) the manner of laying house services, the quantity of water to be supplied and the nature and quality of meters and other appliances and apparatus to be used;
 - (i) the supply of water by meter, including the proper use of meters and the time of reading the same;
 - (j) the circumstances in which a water supply shall be stopped;
 - (k) the good conduct and management of the water-works;
 - (l) the conferring on the competent authority of any of the rights, powers, privileges and authorities vested in the Government under Section 3 (3);
 - (m) matters ancillary to, or consequential on, any of the above matters;
 - (n) the general implementation or carrying into effect of any of the provisions of this Act.
- 2) The rates and charges fixed by Regulations made under section (1), shall be so fixed as to provide funds sufficient to —
- (a) pay the cost of administering, maintaining, repairing and operating the water systems, including reserves for such purposes, and for replacement and depreciation;
 - (b) pay the principal of and interest on any loans raised by Government to carry out its purpose under this Act.

(3) The aforesaid rates and charges to be paid to Government shall comprise, as regards the water services —

- (a) a general water rate payable upon all tenements other than buildings belonging to the Government situated within the prescribed water supply area whether provided with services or not;
- (b) a water supply rate, payable with respect to all tenements other than public conveniences, public wash-houses and public baths provided with services in addition to the aforesaid general water rate;
- (c) payments for water supplied by meter, including supply to domestic, industrial, commercial or sporting installations.

Minister to specify areas to be supplied with water.

10. For the purposes of the application of the water rates provided in the preceding section, the areas to be supplied with water under this Act, shall be defined by an Order made by the Minister and it shall be lawful for the Minister from time to time by Order further to extend or otherwise vary the limits of the several areas.

General water rate.

11.—(1) The competent authority shall annually assess the general water rate, payable by the owner of each tenement situated within the prescribed water supply area, and the said general water rate shall be such percentage or poundage, not exceeding 1% upon the assessed value of lands, houses and buildings as the competent authority shall determine.

(2) The actual amount payable with respect to each individual tenement shall be assessed by the competent authority, according to the method of assessment provided for the collection of houses and land tax.

(3) If any tenement has become liable for a water supply rate, or for an increase thereof, between two successive assessments then the water supply rate, or the increase thereof, shall be calculated in proportion to the period during which the service or other appliance giving rise to a claim for water supply rate, or an increase thereof, shall have been in use.

(4) Whenever water is supplied by meter, for any purpose the price shall be determined by the competent authority.

Competent authority to have access to buildings and land.

12.—(1) The competent authority and persons acting by its written authority shall when circumstances so require —

- (a) enter upon any land at reasonable times to survey and take levels thereon;
- (b) dig and bore the subsoil of such land;

- (c) enter at reasonable times any land or buildings —
- (i) to inspect the same for the purpose of investigating any defect in the water system and of correcting any deficiency in the water service;
 - (ii) to ascertain the practicability or expediency of performing any duty or exercising any power under this Act;
 - (iii) to do all such other things as may be incidental to or necessary for the purposes of this Act,

without being subject or liable to any action, suit, or proceedings, or penalty or punishment for or in respect of any such entry upon such land or buildings.

(2) Any equipment, property, apparatus or thing which is maintained in any building or on any land in contravention of the provisions of this Act or Regulations made thereunder shall be deemed to be a public nuisance.

(3) In the event that the owner, agent, or tenant of any such building or land, where such a nuisance exists, refuses to remove or abate such nuisance after notice in writing from the competent authority is given to do so, the competent authority may remove or abate the nuisance at the expense of the owner, agent or tenant.

13. The Government is vested with the duty and power to prevent the pollution or contamination of the rivers, springs, deep-wells or boreholes, catchment areas, water courses or any source of water supplied (surface or underground).

Government to prevent pollution of water.

14. Gathering grounds shall be retained as forest reserves in accordance with the provisions of the Forest Ordinance.

Forest reserves. Cap. 80.

15. Whenever the Minister shall, upon the representation of the competent authority, decide that a gathering ground is required for the purposes of extending or augmenting the water supply, the competent authority shall cause the limits or areas thereof to be marked out, defined and mapped, and thereafter no land not then already leased or sold by the State, shall be granted, devised or otherwise disposed of within such limits or area for any purpose whatsoever.

Lands in gathering grounds required for increasing water supply not to be leased, etc.

16.—(1) Any person who wilfully or negligently —

- (a) causes or suffers any pipe, valve, cock, cistern, bath, soil pan, water closet or other apparatus or receptacle belonging to or connected with the Waterworks —
 - (i) to be out of repair; or

Offences and penalties.

- (ii) to be so used or contrived in such a way that the water supplied to him is or is likely to be wasted, misused, unduly consumed or contaminated; or
- (b) causes or suffers any pipe belonging to or connected with the pipes of the Waterworks to be so used or contrived in such a way as to occasion or allow the return of foul air or other noxious or impure matter therein; or
- (c) removes or tampers with any gauge, meter, measuring instrument, level, mark or any other appliance forming part of the Waterworks; or
- (d) damages any part of the Waterworks; or
- (e) commits any act which, by itself or with other acts, impedes or interrupts, or is calculated to impede or interrupt, the flow of water belonging to the Waterworks,

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

(2) Any person who —

- (a) violates any of the provisions of any Regulations made under this Act;
- (b) refuses or neglects to act in obedience to any Regulations;
- (c) resists, opposes or obstructs the lawful execution or implementation of any provision of this Act or Regulations made thereunder;
- (d) washes clothes or any other thing, bathes, swims in waters or bathes any animal or spits in any source of water supply of the Government in its capacity as Water Authority;
- (e) urinates or defecates in or throws or deposits any such waste or refuse in the surrounding area of any such water supply source;
- (f) uses the said water supply source or water system for any purpose that may jeopardize the public health or alter the chemical or bacteriological balance of the water;
- (g) obstructs, molests or hinders the competent authority or any person acting by his written authority in the performance of any duty or in the exercise of any

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power under this Act or Regulations made there-
under,

by of an offence and on summary conviction liable for every
offence to a fine of five hundred dollars or to imprisonment
months.

(3) In the event any damage should result to the Waterworks
the commission of any of the offences mentioned in this
y, the Magistrate may, in addition to any punishment he may
order the offender to pay compensation to the Government
capacity as Water Authority.

All offences against this Act or against any Regulations made
under may be prosecuted, and all rates or claims under this
be sued for by the competent authority under the provisions
Crown Proceedings Ordinance (Cap. 5) before a n y Court
petent jurisdiction. Prosecution of
Offences.

The Central Water Authority Act 1967 is hereby repealed
at all Regulations made under the Act shall continue in force
looked by Regulations made under this Act. Repeal and
saving.
Act 33 of 1967.

This Act shall come into operation on the 1st day of Sept-
1986. Commencemen

Passed in the House of Assembly this 28th day of July,

CATHERINE A. A. FAUSTIN (Mrs.)
Acting Clerk of the House of Assembly.

DOMINICA

Printed by the Government Printer at the Government Printery, Roseau,
(Price \$2.00 cd)