

DOMINICA

ACT No. 33 OF 1967.



I assent

G. C. GUY
Governor.

24th October, 1967.

AN ACT TO PROVIDE FOR THE ERECTION AND ESTABLISHMENT OF A CENTRAL WATER AUTHORITY FOR DOMINICA WITH SOLE JURISDICTION IN ALL MATTERS PERTAINING TO THE SUPPLY OF POTABLE WATER IN DOMINICA.

(Gazetted 9th November, 1967.)

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Dominica, and by the authority of the same as follows:—

1. This Act may be cited as the
CENTRAL WATER AUTHORITY ACT, 1967.

Short title.

2. In this Act—

Interpretation.

“Authority” means the Dominica Central Water Authority established by this Act;

“Central Housing and Planning Authority” means the Authority established under the provisions of the Slum Clearance and Housing Ordinance Cap. 180;

“cost” as applied to improvements, means the cost of acquiring or constructing improvements as herein defined, and includes—

(a) the amount to be paid for any improvement acquired by purchase, transfer or *condemnation*;

(b) the cost of labour, materials, property, rights, easements or franchises:

- (c) financing charges;
- (d) the payment of interest prior to and during construction or reconstruction and one year thereafter;
- (e) the amount required as working capital;
- (f) the cost of plans and specifications, surveys and estimates of cost of revenue;
- (g) the cost of legal and engineering services;
- (h) all other expenses necessary or incidental to acquisition or construction; and
- (i) administration expenses;

“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 assigned;

“non-domestic supply” means any water from the Waterworks used for the purpose of or in carrying on, any trade or manufacture; or for cattle, horses or

other animals, or for watering fields or gardens cultivated or occupied as a means of pecuniary profit; or for private fountains, swimming pools or any ornamental purpose; or for the supply of ponds, pools, or tanks; or for commercial laundries, public wash houses, public baths, vessels, ships or boats; and includes any person resident in, or occupying any premises where a 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 rights and profits of the building or land under a lease or agreement the unexpired term whereof exceeds three years, or the landlord or his agent if the landlord is absent or under any disability or if there be no such agent the occupier of the building or land;

“public fountains” (stand pipes) means any fountain, 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 Authority;

“service” means all pipes, valves, cisterns, cocks, fittings and other appliances (excepting any meter or lock-off 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 Authority, or which may hereafter be used or constructed for purpose aforesaid by the Authority and which belong to or are managed by or vested in the Authority.

Establishment of Authority.

3.—(1) The Authority is hereby established for the purposes of this Act, and shall be a body corporate.

(2) The Authority shall consist of eight (8) members designated Commissioners who shall be appointed by the Minister:

- (a) (i) a technical officer representative of the Ministry concerned with Health;
- (ii) a technical officer representative of the Ministry concerned with Forestry and Lands;
- (iii) a technical officer representative of the Ministry concerned with Public Works;
- (iv) a representative of the Ministry concerned with Finance;
- (v) a representative of the Roseau Town Council;

- (vi) two representatives of the Village Councils;
- (vii) a representative of the Portsmouth Town Council.
- (b) Members of the Authority shall be appointed for a period of two years in the first instance, and shall be eligible for reappointment.
- (c) The representative of the Roseau Town Council shall be nominated by the Council and appointed by the Minister.
- (d) The representatives of the Village Councils shall be nominated by the Village Councils and appointed by the Minister.
- (e) The representative of the Portsmouth Town Council shall be nominated by the Portsmouth Town Council and appointed by the Minister.

4. The Chairman of the Authority will be appointed by the Minister from among the Commissioners. Chairman of the Authority.

5. A Commissioner may at any time resign his office in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister who shall notify the Roseau Town Council, the Portsmouth Town Council or the Village Councils as the case may be. Commissioner.

6.—(1) The seal of the Authority shall be kept in the custody of the Chairman or of the Secretary as the Authority may determine and may be affixed to instruments executed by the Authority pursuant to a resolution of the Authority, and it shall be attested by the signature of the Chairman and the Secretary. Seal of Authority.

(2) All documents, other than those required by law to be under seal made by, and all decisions of, the Authority may be signified under the hand of the Chairman or the Secretary.

(3) Service upon the Authority of any notice, order or other document shall be executed by delivering Service of documents.

the same or by sending it by registered post addressed to the Secretary at the office of the Authority.

Office of
Authority.

(4) The office of the Authority shall be at the Town of Roseau.

PROCEDURE AND MEETINGS

Meetings.

7.—(1) The Authority shall meet at least once a quarter and at such other times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such dates as the Authority may determine.

(2) The Chairman may at any time call a special meeting of the Authority and shall call a special meeting within five days of the receipt of a requisition for that purpose addressed to him by any three Commissioners or by the Chief Engineer.

(3) The Chairman, or in his absence any other Commissioner, appointed by those present, shall preside at all meetings of the Authority.

(4) The Chairman, or in his absence the Commissioner who is acting as Chairman and three other Commissioners shall form a quorum.

(5) The Chairman, or Acting Chairman presiding over the meeting, shall have an original vote, and in any case in which the voting is equal the Chairman or Acting Chairman shall have a casting vote.

Communications
to and from
Government.

(6) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman or Acting Chairman who presided at the meeting at a subsequent meeting. Certified copies of such minutes when so confirmed shall be forwarded to the Minister.

(a) All communications and documents which require to be submitted by the Authority to the Government including resolutions, By-Laws, Rules and Regulations, reports or any other documents must be channelled through the Minister.

(b) The Minister may, if he so considers, add his comments to such documents before laying them before Government, or return them to the Authority for clarification, amendment or for additional information or with his non-approval of same.

(c) All communications, orders, directives, inquiries, instructions, or any other documents from Government to the Authority shall be channelled through the Minister.

(7) The Authority may co-opt any one or more persons to attend any particular meeting of the Authority for the purpose of assisting or advising the Authority, but no such co-opted person shall have any right to vote.

(8) Subject to this section, the Authority may by By-Laws, Rules or Regulations regulate its own proceedings. Regulations.

(9) The validity of any proceeding of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

ADMINISTRATION

8.—(1) Subject to this Act, the Authority may do all such things as are necessary or convenient for the purposes of exercising the powers and performing the duties and functions conferred or imposed on it by this Act as respects its responsibility for water supply. Authority may
appoint officers.

(2) The Authority may, subject to the approval of the Minister, appoint on such terms and conditions as it thinks fit, Officers of the
Authority.

- (a) A Chief Engineer
- (b) A Secretary
- (c) An Accountant

whose conditions of service, duties and responsibilities shall be as specified in this Act, and or Regulations made thereunder.

(3) The Authority may also appoint such other officers and servants as may be necessary for the efficient exercise of the powers, functions and obligations vested in and imposed on them by this Act.

The Senior
Officer of the
Authority.

9.—(1) The Chief Engineer shall be the Senior Officer of the Authority responsible to the Authority for carrying out the decisions of the Authority and its general policy and for the general supervision of the activities of the Authority. He shall have general administrative control of all other officers, employees and agents of the Authority.

(2) The Chief Engineer in addition to duties as specified in subsection (1) above will also be the manager of the Authority and shall perform all the duties and technical obligations corresponding to the engineering features in water supply in his capacity as chief to the engineering staff.

(3) The Authority may, subject to such conditions as they may specify, delegate to the Chief Engineer power to appoint and power to dismiss all or any of the officers and servants mentioned in subsection (3) of the preceding section.

(4) The Chief Engineer shall attend all meetings of the Board, may participate in their discussions but shall not have the right to vote.

Chief Engineer
to furnish reports.

10. The Chief Engineer shall render to the Authority not later than such date as the Authority may fix monthly and annual reports relative to the finances and activities of the Authority. The Chief Engineer shall also submit to the Authority any special report when so requested by the Authority through the Chairman.

Appointment of
Officers and
Servants.

11. In the appointment of officers and servants as specified in subsection (3) of section 10, on the coming into operation of this Act, the Authority shall give first consideration to those public officers and employees who were before the commencement of this

Act carrying out functions and duties in connection with waterworks:—

- (a) in the Ministry of Communications and Works,
 - (b) in the Central Housing and Planning Authority,
 - (c) in the Roseau Town Council,
 - (d) in the Portsmouth Town Council,
 - (e) in the service of the Village Councils;
- who qualify for posts with the Authority.

12.—(1) An officer in the public service may be transferred to the service of the Authority on such terms and conditions as may be acceptable to the Minister, the Statutory Board or Town or Village Council employing the officer, the Authority and the officer concerned.

Transfer of officers in the public service and vice versa.

(2) An officer so transferred shall preserve all pension and superannuation rights which may have accrued to him up to the date of his transfer; but shall not be entitled to further pension or superannuation rights from Government in respect of his service with the Authority.

(3) An officer transferred to the service of the Authority may, in any case where no alternative appointment may be available to him, opt to go into retirement.

(4) An officer who has opted to go into retirement shall not be entitled to accept service with Government or with any local Government body or Statutory Board or with the Authority within a period of two years.

(5) For the purposes of this section “alternative employment” shall mean any employment the emoluments and conditions of service of which are substantially similar to those of the post held by the officer at the time the transfer is to be made.

**POWERS AND FUNCTIONS OF THE
AUTHORITY**

Authority to
provide adequate
water supply.

13.—(1) The Authority shall provide the inhabitants of the Island with an adequate water service and any other service or facilities incidental or appropriate thereto.

(2) In particular, and without prejudice to the generality of the foregoing, the Authority shall have power—

- (a) to have perpetual existence as a corporation;
- (b) to adopt, alter and use a corporate seal which shall be judicially recognised;
- (c) to sue and be sued in its corporate name except that it may not be sued for damages arising from the real or alleged impurity of water, irregularity or insufficiency of the water supplied by it and except that judicial sale of properties of the Authority shall not be permitted;
- (d) to enter into contracts and to execute all instruments necessary or convenient in the exercise of any of its powers;
- (e) to acquire property, real, personal, or mixed, tangible or intangible (including without limitations, its own securities and those of other corporations) by any lawful means including the exercise of the power of eminent domain, to hold, operate and administer the said property and to dispose of any part thereof that the Authority shall find to be surplus for its purposes;
- (f) to acquire and import equipment, machinery, and materials necessary and essential for carrying out the purposes of this Act, free of duty or taxes of any kind;

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- (g) to employ, by contract or otherwise, such consulting engineers, engineer superintendents, construction and accounting experts, and attorneys or any other technical personnel as may be necessary;
 - (h) to accept grants of any kind from any sources;
 - (i) to determine, fix, alter, charge and collect rates, fees, rental and other charges for the use of the facilities of the Authority, or for the water or other commodities or service sold, rendered, performed, or furnished by it;
 - (j) to have complete control and supervision of its properties and activities, including the power to make and enforce such Rules and Regulations for the maintenance and operation thereof as may be necessary or desirable for the efficient operation and for accomplishing the purposes of this Act;
 - (k) with the approval of the Governor to prescribe, adopt, amend and repeal By-Laws governing the manner in which its general business may be conducted and the manner in which the powers and duties granted to or imposed upon it by this Act may be exercised and performed;
 - (l) to enter on any lands, water, or premises after notifying the owners or occupants thereof, or their representatives, for the purposes of making surveys, soundings and examinations;
 - (m) to improve and extend any water system or waterworks under its jurisdiction and to provide additional facilities of the same character;
 - (n) to do all acts or things necessary or

convenient for carrying out the purposes of this Act.

Authority may regulate its own procedure.

14. The Authority may, with the approval of the Governor, make rules relating to all or any of the following matters:—

- (a) the time and place of its meetings;
- (b) the cost of transporting its members;
- (c) the attendance of its members;
- (d) the form and order of its debates;
- (e) the powers and duties of its officers and servants;
- (f) the general regulation of its proceedings and the mode of conducting its business; and
- (g) any other matters as the Authority may consider proper and convenient.

Regulations.

15.—(1) The Authority may, with the approval of the Governor, make Regulations relating to any or all of the following matters:—

- (a) the supply of water for sanitary domestic and non-domestic purposes;
- (b) the supply of water to ships;
- (c) the supply of water by meter;
- (d) the time and mode of making application for any supply of water;
- (e) 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;
- (f) the circumstances in which a water supply shall be stopped;
- (g) and to any other matters considered necessary for the good conduct and managements of the Authority.

(2) Subject to the provisions of this Act, the Authority shall from time to time make, and when made, may add to, alter, and rescind Rules and Regulations for the good government of the Waterworks

generally, in respect of the use and conservation of water and the care, maintenance, and protection of the facilities that are used or usable in the supply, distribution, consumption or utilization of water — to the end that the purpose for which the Authority is created shall be attained, that the health of the inhabitants of Dominica shall be protected, that the water available shall be utilized in the fullest measures possible, and that it shall be made available to consumers with the greatest possible regularity and continuity. Such Rules and Regulations, after approval by the Governor and publication in the *Official Gazette*, shall have the force of law and violation thereof shall be deemed to be a violation of this Act.

(3) The aforesaid Rules and Regulations shall specifically cover the following matters:—

Infringement of Regulations—
an offence.

- (a) the assessment of water supply rates;
- (b) 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;
- (c) the manner, time and place for making payments for services constructed for private and other persons; the use of meters and the time of
- (d) reading the same;
- (e) the protection of the public from incivility, unpunctuality, neglect, or extortion on the part of the officers, servants, or agents of the Authority;
- (f) the good conduct and management of the Waterworks.

(4) The Chairman of the Authority or his duly authorised representative shall have, when circumstances so require, access to any building or place and the right to inspect the same for the purpose of investigating whether or not violations of the said Rules and Regulations are being or have been

Matters that shall be dealt with in the Regulations

committed thereon, or for the purpose of correcting any deficiency which affects the water service. Any equipment, property, apparatus, or thing which exists or is maintained in violation of the Rules and Regulations duly made shall be deemed a public nuisance. In the event of the refusal of the owner, agent, or tenant of any property where such a nuisance exists to remove or abate the same within a reasonable time after proper notification, the Authority shall be empowered to remove or abate the nuisance at the expense of the said owner, agent, or tenant.

(5) No such Regulations or any alteration or repeal thereof, shall have any force or effect until same have been approved by the Governor and published in the *Gazette*.

Offences.

16.—(1) If any person supplied with water by the Authority wilfully or negligently should cause or suffer any pipe, valve, cock, cistern, bath, soil pan, water-closet, or other apparatus or receptacle to be put out of repair or 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 in such a way as to occasion or allow the return of foul air or other noxious or impure matter into any pipe belonging to or connected with the pipes of the Waterworks, he shall for every such offence be liable to a penalty not exceeding fifty dollars.

Penalties.

(2) Every person who:

- (a) violates any of the provisions of any By-Laws or Regulations made under the authority of this Act; or
- (b) refuses or neglects to act in obedience to any such By-Laws or Regulations; or
- (c) resists, opposes, or obstructs the lawful execution thereof, shall on summary conviction for every such offence be liable to a fine not exceeding one hundred and fifty dollars.

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- (3) Every person who:
- (a) impedes the flow of the water belonging to the Waterworks; or
 - (b) washes clothes or any other thing in such water; or
 - (c) bathes in the same; or
 - (d) waters any horse, mule, cattle, or other animal in the same, or carries any such animal to water into the same; or
 - (e) washes in, fouls, or in any way misuses the said water; or
 - (f) obstructs or in any way hinders any person duly employed in connection with the said Waterworks in the execution of his functions; or
 - (g) wilfully injures or in any way damages the said Waterworks,

shall on summary conviction for every such offence be liable to a fine not exceeding two hundred dollars or to imprisonment for a period not exceeding three months.

(4) In the event any damage should result to the Waterworks from the commission of any of the offences mentioned in the preceding section, it shall be lawful for the Magistrate, in addition to any punishment he may inflict, to order the offender to pay compensation to the Water Authority.

(5) Any person who commits an offence against this Act for which no penalty is specially provided shall upon summary conviction be liable to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

17. There shall be vested in the Chief Engineer, in his capacity as Senior Officer of the Authority, the power and authority to give effect to and execute any project or scheme for the supplying of water which has been approved and confirmed by the Central Water Authority, and he may delegate any or all of the powers conferred on him under this Act.

Powers of the
Senior Officers.

Qualifications
for office.

18. The qualifications for any office or post in the service of the Authority and the duties and obligations of any such office or post shall be determined by the Authority.

Vesting of
property rights.

19.—(1) There are hereby transferred, conveyed, and delivered unto the Authority:—

all of the property, real or personal, tangible and intangible, of whatsoever nature and wheresoever located, owned, operated, or controlled by the Government of Dominica which is used or useful primarily for the supplying of water for domestic, industrial or commercial use.

(2) There shall be used for the purposes of these transfers and there shall be transferred all the maps, plans, projects, designs, data related to the construction, maintenance, improvement or extension of the waterworks, and all accounting books, records, files, instruments and equipment used in the operation, maintenance, and administration of such waterworks. The description and inventory of the properties contained in the resolution of the Authority in relation to the transfer of the said properties shall be conclusive for the purposes of identification of the property so transferred. Upon the adoption of such resolution, the officials in charge of the property therein described shall deliver the said property to the Authority.

(3) With the approval of the Governor, the Authority may enter into an Agreement with the Roseau Town Council or any Town or Village Council for the purpose of transferring to the Authority from such date or dates as may be fixed therein, the whole or any part of the undertakings, or any property whatsoever vested in, any such Council, which is being used or may be used in connection with water supply.

(4) With the approval of the Governor, the Authority may enter into an Agreement with the Central Housing and Planning Authority for the purpose of transferring to the Authority from such date

or dates as may be fixed therein, the whole part or any part of the undertakings or any property whatsoever vested in the Central Housing and Planning Authority which is being used or may be used in connection with water supply.

(5) Upon a transfer taking effect under this section every agreement to which the transferor (Government, Council or the Central Housing and Planning Authority) was a party immediately before the date of such transfer shall have effect as if—

- (a) the Authority had been a party to the agreement;
- (b) for any reference to the transferor there were substituted, in respect of anything failing to be done on or after the date of such transfer, a reference to the Authority;
- (c) for any reference to any member or officer of the transferor there were substituted, in respect of anything failing to be done on or after the date of such transfer, a reference to such person as the Authority may appoint or, in default of such appointment to the member or officer of the Authority who corresponds as nearly as may be to the member or officer of the transferor;
- (d) for any reference to any fund or revenues of the transferor there were substituted, in respect of anything failing to be done on or after the date of such transfer, a reference to the corresponding fund or revenues of the Authority.

20. All appropriations made by Parliament, any Town or Village Council or the Central Housing and Planning Authority for any of the purposes of this Act are hereby approved, ratified and confirmed and all sums so appropriated or set aside or required to be set aside or appropriated for the said purposes, and any balance thereof, are hereby transferred to the Authority.

Appropriations.

Government
subsidy.

21. During the first three years after the establishment of the Authority, or until such time thereafter as the Authority is self-supporting, there shall be charged upon the Consolidated Fund a sum not less than that part of the Authority's operating budget not sufficiently covered by its own revenue. Provided that such sum shall not without the approval by Resolution of the House of Assembly exceed the average amount appropriated for the same purposes during the last three years.

Accounts.

22. The accounts of the Authority shall be kept in such manner as appropriately to segregate, in so far as advisable, the accounts in respect of the different classes of operations, projects, undertakings and activities of the Authority, and shall include complete accounts of the costs of production and distribution of water and of the total cost of waterworks constructed or otherwise acquired by the Authority and a description of the major components of said costs, together with records of such other physical data and operating statistics as may be helpful in determining the actual cost and value of the services.

Authority may
fix, revise and
levy rates.

23.—(1) The Authority shall be entitled to fix, levy and demand, and from time to time revise the rates and charges to be paid and collected for the commodities, services and facilities furnished by the Authority.

(2) The said rates and charges shall be so fixed as to provide funds sufficient—

(a) to pay the cost of administering, maintaining, repairing and operating the water systems, including reserve for such purposes, and for replacement and depreciation;

(b) to pay the principal of and interest on any loans raised by the Authority to carry out its purposes.

(3) The aforesaid rates and charges to be paid to the Authority 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, ^{and} whether provided with services, ~~or not~~;
- (b) a water supply rate, payable with respect to all tenements 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 shipping installations.

24. 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.

Minister to specify areas to be supplied with water.

25.—(1) The 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 Authority shall determine.

General Water Rate.

(2) The actual amount payable within respect to each individual tenement shall be assessed by the Authority, according to the method of assessment provided for the collection of house 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 increment thereof, shall be calculated in propor-

tion 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 Authority.

Funds of the Authority.

26.—(1) All monies of the Authority, including monies raised on loan under this Act, shall be deposited in such manner as the Authority shall determine.

(2) All monies received by the Accountant General for the Authority shall form a fund to be called Dominica Water Authority Fund and shall be at the disposal of the Authority with the approval of the Governor.

Authority may raise loans.

27.—(1) Notwithstanding anything contained in any other law, the Authority may, by resolution approved by the House of Assembly, from time to time, and by the issue of debentures, raise loans to be applied towards the financing or the cost of construction, extension, or improvement of waterworks systems or for carrying out any of the purposes for which the Authority is established; and the said loans may be applied to pay the expenses incidental thereto.

(2) Such loans may be contracted through any local or foreign banking institution or through any international banking agency, or a combination thereof.

(3) All monies which may be raised on loan under this Act and expended in the payment of interest and repayment of principal and the repayment of salaries, wages, and materials used in the specific projects carried on or executed with these monies shall constitute a first charge on the revenues of the Authority and if these are inadequate a charge upon the general revenues and assets of the Island.

(4) A resolution approved by the Authority to contract a loan shall clearly specify that the sums

raised to repay the expenses of issue shall be applied only to that purpose and, save as aforesaid, the money borrowed shall be appropriated and applied for the purpose of financing the cost of construction, extension of improvements of waterworks systems, or for carrying out any of the purposes for which the Authority is established.

(5) The resolution shall cover all details regarding debentures, including the form of debentures, the sum of the same, the period during which they shall bear interest, the signatures on the same, the type of coupons, registration, provision for payment of interest and, for creating a sinking fund, provision for redemption of principal, the number of days for drawing, notice of time and place for drawing, time when principal will be repaid, cessation of interest, delivery, and cancellation. The resolution shall also include any other clause or condition that may be required by the lending institutions and accepted by the Authority.

28.—(1) All gathering grounds limited, marked out, and defined as such for any existing waterworks at the time of approval of this Act shall remain with the Government of Dominica.

Gathering grounds to be vested in the Crown.

(2) Additional gathering grounds when necessary shall be determined in accordance with regulations approved by the Authority: Provided that a map showing clearly the limits and areas of the gathering grounds shall be made and kept for public reference at the office of the Authority and a notification of the completion of such a map shall be published in the *Gazette*.

29. No house or building or any other constructions used or intended to be used temporarily or permanently as a dwelling shall be erected on any gathering ground of the waterworks saving and excepting constructions intended solely for the purposes of the waterworks.

Buildings not to be erected on gathering grounds

Forest reserves.
Cap. 80.

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

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

31. Whenever the Minister shall, upon the representation of the Authority or otherwise, decide that a gathering ground is required for the purposes of extending or augmenting the water supply, the 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 Crown, shall be granted, devised or otherwise disposed of within such limits or area for any purpose whatsoever.

Authority on giving notice may place its works or projects on any lands, highways or property.

32.—(1) The Authority or their officers, agents or servants shall after giving reasonable notice in writing to any Town or Village Council or to the Central Housing and Planning Authority, have the right and power to construct or place any part of any of its works, projects, undertakings, or property, and to operate, maintain and extend the same across, in, over, under, through or along any street, public highway, or any lands which may now or hereafter be the property of the Government of Dominica or any Town or Village Council or the Housing and Planning Authority without obtaining any franchise or permit therefor, but shall obtain the consent of the Chief Technical Officer of the Public Works Department with respect to constructions affecting public lands and highways. The Authority shall restore such street, highway, or land to their condition before the commencement of any operation.

(2) Whenever it becomes necessary to relocate installations of the Authority situated on the public thoroughfare, or in any other place, by reason or as result or consequence of the execution of a public work in the charge of the Department of Public Works or other governmental agency, the cost of such allocation shall be considered as a part of the expenditure carried by that Department, and shall be paid or reimbursed to the Authority by the agency to which the

work corresponds, according to the system in force with respect to the payments for the execution of a public work: Provided that if the relocation is to be used for an improvement or enlargement of the water system affected, the Authority shall take charge of the additional cost resulting therefrom.

33.—(1) On or before the thirty-first day of March in each year, the Authority shall submit to the Minister a Balance sheet setting forth the amount of—

Authority to submit Balance Sheet to the Cabinet.

- (a) sums collected in respect of the general water rate during the past financial year;
- (b) sums collected in respect of the water supply rate during the past financial year;
- (c) sums collected in respect of other sources of revenue connected with the water supply during the past financial year;
- (d) sums received from private persons in respect of service provided by the Authority, or in respect of material sold by the Authority, to private individuals during the past year;
- (e) value of stock of tools and materials in possession of the Authority at the close of the past financial year;
- (f) expenditure on administration and maintenance of the Waterworks payable out of Current Revenue during the past financial year;
- (g) expenditure on account of Reserve Fund during the past financial year;
- (h) expenditure incurred in the construction of services on account of private persons;
- (i) balance available for the payment of interest and Sinking Fund and for the creation of a Reserve Fund;

- (j) outstanding debts and liabilities at the close of the financial year; and
- (k) outstanding debts due to the Authority:

Provided always that the Accountant General shall furnish to the Authority such statements of accounts as may be necessary to comply with the requirements of this section.

(2) The balance sheet statement of the revenue and expenditure of the Authority shall be duly audited by the principal audit officer or such other auditor as may be approved by the Minister.

Authority to submit its Estimates of Revenue & Expenditure for the approval of the Minister of Finance.

34. On or before the thirtieth day of September in each year, the Authority shall submit for the approval of the Minister of Finance, an estimate setting forth—

- (a) the revenue to be collected during the ensuing financial year on account of the general water rate, water supply rate, and other sources of revenue respectively;
- (b) the probable expenditure on maintenance, administration and ordinary repairs;
- (c) the probable cost of alterations, extensions or extraordinary repairs to be defrayed out of the Reserve Fund.

Authority or its officers to have access to buildings.

35.—(1) The Authority or its officers, agents or servants shall, when circumstances so require, have access at reasonable times to any building or place to inspect the same for the purpose of investigating any defect in the water system and of correcting any deficiency in the water service. Any equipment, property, apparatus, or thing which exists or is maintained in contravention of the provisions of this Ordinance or any Regulations made thereunder shall be deemed a public nuisance.

(2) In the event of the refusal of the owner, agent, or tenant of any property, where such a

nuisance exists, to remove or abate such nuisance after notice in writing is given to do so, it shall be lawful for the Authority to remove or abate the nuisance at the expense of the said owner, agent, or tenant.

36. It shall be lawful for the Minister upon the request of the Authority to acquire, for the purpose of the Waterworks, any springs, streams, deepwells or boreholes, or waters (surface or underground) and also any lands which may be required for such purpose; and to that end the Minister may agree with the owners of such springs, streams, deepwells or boreholes, waters (surface or underground) or lands and with all parties having any estates or interest in the same, for the purchase of such springs, streams, deepwells or boreholes, waters (surface or underground) or lands or such part thereof as may be required, and for all rights and interest in, to and over the same.

Minister may acquire lands, wells or boreholes on behalf of the Authority.

37. In the event the Minister and such owners, occupiers, or parties interested as aforesaid, are unable to agree as to the purchase money or otherwise or if the owners cannot be found, then it shall be lawful for the Minister to proceed to acquire the said springs, streams, waters or lands under the provisions of the Land Acquisition Ordinance, or of any Act which may hereafter be passed for the acquisition of land for public purposes.

Lands may be acquired under the Land Acquisition Ordinance.

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38. When the Minister, on behalf of the Authority, has taken possession of any springs, streams, deepwells or boreholes, or waters (surface or underground) or lands under the authority of the two preceding sections, and subject to the payment by the Authority of any claim in respect thereof, it shall be lawful for the Authority immediately to enter upon and take possession of such springs, streams, deepwells or boreholes, or waters (surface or underground) or lands; and all the estate, use, right, title and interest of all parties therein shall be vested in the Authority for the purpose of this Act.

Authority may take possession of acquired lands, etc.

Judge may issue warrant for possession of property.

39. In all cases in which the Authority shall have a right of entry under the provisions of this Act, and delivery of possession shall be refused or withheld, it shall be lawful for the Judge to issue his warrant to any bailiff or police constable to enter upon the property, the possession of which shall be refused or withheld, and to take possession thereof and to deliver the possession of the same to such person as shall in such warrant be nominated to receive the same, and the bailiff or police constable shall take such possession and deliver the same accordingly.

Persons authorised by Authority may enter upon lands, and premises.

40. It shall be lawful for any person specially authorised thereto by the Authority to enter upon the lands and premises on which the source of any water supply is located and also upon the lands and premises through or under which the line of pipes passes or is intended to pass, without being subject or liable to any action, suit, or proceedings, fine, penalty or punishment for or in respect of any such entry or continuation upon such lands and premises.

Ministry of Health to be responsible for quality of water.

41.—(1) The control of the quality of the water supplied by the Authority shall be the responsibility of the Ministry charged with the subject of Health.

(2) All directives, instructions, regulations and standards set up by the Ministry responsible for Health for the quality of the water and any sanitary aspect of the waterworks shall be obeyed and complied with by the Authority.

(3) Duly authorised officers of the Ministry charged with the subject of Health may enter the premises of any plant or waterworks for the purpose of inspecting or taking samples of water and of verifying that the directives, instructions, and regulations and standards issued by that Ministry are complied with.

Authority may prevent pollution of water.

42.—(1) The Authority is vested with the duty and power to prevent the pollution or contamination of the rivers, springs, deepwells or boreholes, catchment areas, water courses or any source of water supplied (surface or underground).

(2) The Authority, after consultation with the Ministry responsible for Health shall enact any necessary Regulations to this effect.

43.—(1) The Authority shall render no free service. The charges for services rendered to the Government of Dominica or to any Town or Village Council shall be deemed to be ordinary expenses of the Government or of the corresponding Town or Village Council and shall be paid from appropriations made for such purposes. Such payments shall be made in accordance with provisions in force regulating the disbursement of public funds.

Services of the Authority to be paid for.

(2) There shall be no direct water charge for water used by the Fire Brigade in cases of fire.

(3) Private fire services and water used by private installations shall be charged in accordance with the applicable rate determined by the Authority.

(4) There shall be no direct water charge for water used by the Public from public fountains, but this service shall be considered to be an obligation of the Government or of the corresponding Town or Village Council who shall pay to the Authority the price of water served through public fountains.

(5) The Authority shall enter into an agreement with the Government or the corresponding Town or Village Council regarding the rate to be paid for this service.

44. All offences against this Act or against any Regulations made thereunder may be prosecuted, and all rates or claims under this Act may be sued for by the Chief Engineer or by any person authorised in writing in that behalf before any Court of competent jurisdiction.

Offences.

45. Until the Central Water Authority has set up, with the approval of the Minister a new Schedule of charges, water rates and rents as authorised in this Act, the present charges, rates and rents, the rates fixed

Water rates already fixed to remain in force until altered.

for water supply to consumers and the method of assessment shall continue in full force and effect.

Exemption from income tax, import duty and wharfage dues.

46.—(1) Notwithstanding anything to the contrary in any law contained, the income of the Authority shall be exempt from income tax.

(2) All materials, and all equipment and stores, required for the purposes of this Act, and imported or taken out of bond by the Authority, shall be exempt from the payment of import duties and wharfage dues.

In cases of conflict this Act to prevail.

47. Whenever the provisions of this Act or of any regulations made thereunder are in conflict or are inconsistent with the provisions of any other law relating to the control of water supply the provisions of this Act and the Regulations made thereunder shall prevail.

When parts of provisions may be invalid.

43. If any provisions of this Act or the application of such provisions to any person or circumstances shall be held invalid, the remainder of this Act and the application of its provisions to persons or circumstances other than those for which it shall have been held invalid shall not be affected thereby.

Repeal.

49.—(1) All Ordinances or parts of Ordinances or any Regulations or parts thereof in conflict with this Act are hereby repealed.

(2) Those sections of the Roseau Town Council Ordinance, the Portsmouth Town Council Ordinance, the Village Councils Ordinance, the Town and Country Planning Ordinance and the Slum Clearance and Housing Ordinance or of any By-Law dealing with any aspect of water supply are hereby repealed.

Commencement.

50. This Act shall come into operation on the 27th day of September, 1967.

MARIE DAVIS PIERRE

Clerk of the House of Assembly.

M.P. C. & W. 12/33.