

**CHAPTER 144**  
**WATER SUPPLY**

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*Ordinances Nos. 7 of 1955, 6 of 1957, Legal Notice No. 112 of 1970*

**AN ACT RELATING TO THE SUPPLY OF WATER IN FIJI**  
[15 April 1955]

*Short title*

1. This Act may be cited as the Water Supply Act.

*Interpretation*

2. In this Ordinance, unless the context otherwise requires—
- “building supply” means a supply of water used for the purpose of building or construction work, whether public or private;
- “connection” means that part of the pipe connecting the main to premises supplied with water from the waterworks which lies between the main and the stop-cock, and includes the stop-cock;
- “domestic supply” means a supply of water used for domestic or household purposes, and includes water used for the purposes of a profession carried on in the premises supplied, where the primary use of the premises is as a dwelling house, but does not include any supply of water used for the purpose of any business or trade;
- “fire service” includes any pipes and fittings used for the sole purpose of supplying water to premises to combat fire;
- “fittings” includes all taps, stop-cocks, ball-cocks, cold water cisterns, hot water apparatus, flushing apparatus or any other apparatus or appliances used on a service connected with the supply of water from the waterworks, but does not include meters;
- “catchment area” means any area of land or water declared by the Minister to be a catchment area under the provisions of this Act;
- “main” includes any pipe owned and maintained by the Commissioner;
- “meter” means an apparatus for measuring water, and includes any meter box or meter box cover;
- “owner” means—
- (a) in relation to any premises separately metered and supplied with water—
    - (i) where the premises are not the subject of a registered lease, the person entitled to dispose of the fee simple;
    - (ii) where the premises are the subject of one or more registered leases, the lessee under the lease of which the interest is furthest removed from the fee simple, and includes a lessee under a registered lease of Crown land as an owner aforesaid; and
  - (b) in relation to a communal supply, the member of the rural settlement or Fijian village nominated by the inhabitants of the settlement or village as owner for the purposes of the supply of water;
- “pollute”, with its grammatical variations and cognate expressions, means directly or indirectly to add to water any substance, liquid or gas which affects its taste, smell or purity, or renders or is likely to render it toxic or in any way harmful or dangerous to the health of humans;
- “premises” includes any structure, building or part of a building, land without buildings, or any pier, sea-wall or wharf in the waters of Fiji;
- “public standpipe” includes any fountain, standpipe, valve, tap or appliance supplied and maintained by the Commissioner for the purpose of supplying water to the public;
- “registered lease” means a lease or sub-lease registered under the provisions of the Land Transfer Act; *(Cap. 131.)*
- “service” means so much of the pipe between the main and the premises as is not a connection;

“trade supply” means a supply of water other than a building supply, a domestic supply and a supply to ships;

“waterworks” includes all catchment areas, reservoirs, dams, weirs, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, mains, pipes, meters, fountains, sluices, valves, hydrants, pumps, prime movers and all other structures or appliances used or constructed for the storage, conveyance, supply, measurement or regulation of water, and which are or may become hereafter the property of the Crown;

“communal supply” means a private supply of water by means of a standpipe for the communal use of a rural settlement or Fijian village.

*(Amended by Ordinance 6 of 1957, s. 2; Legal Notice 112 of 1970.)*

*Appointment of Commissioner*

3.—(1) The Minister shall appoint a Commissioner of Water Supply (hereinafter called “the Commissioner”) for the purposes of this Act.

(2) Subject to the general authority of the Minister, the Commissioner shall have—

(a) the custody and administration of the waterworks and of the water therein; and

(b) the management of the supply or the distribution of such water.

*(Amended by Legal Notice 112 of 1970.)*

*Catchment areas*

4.—(1) Where the Minister considers it desirable that any area of land or water should be a catchment area for the purposes of a water supply, he may give notice in the Gazette and in *Na Mata* of his intention to declare the said area to be a catchment area. *(Amended by Legal Notice 112 of 1970.)*

(2) Such notices shall—

(a) specify the area to be affected;

(b) state that the effect of declaration as a catchment area will be to prohibit any act causing pollution of any water therein; and

(c) specify a date, not being less than 2 months after the publication of the later of such notices, within which objection may be made.

*(Amended by Ordinance 6 of 1957, s. 3.)*

(3) Any owner, lessee or licensee of land in an area in respect of which notice is given under subsection (1) may, within the time specified in the notice, object in writing to the Minister against such declaration, stating in his objection the grounds thereof. *(Amended by Legal Notice 112 of 1970.)*

(4) Where no objection is received within the specified time for making objection, the Minister may, by notice in the Gazette, declare the area or any part thereof to be a catchment area. *(Amended by Legal Notice 112 of 1970.)*

(5) Where an objection is received within the specified time for making objection, the Minister may, after considering such objection, declare the area or any part thereof to be a catchment area.

*(Amended by Legal Notice 112 of 1970.)*

(6) Any owner, lessee or licensee of land who suffers loss or damage by reason of the inclusion of such land in a catchment area—

(a) shall be entitled to compensation for such loss or damage; and

(b) may recover the same by action against the Crown:

Provided that no action shall be brought after the expiry of 12 months from the time of such inclusion.

- (7) The provisions of this section shall be subject to the provisions of the Constitution. (*Inserted by Legal Notice 112 of 1970.*)

*Power of Commissioner to lay pipes, etc., on private lands*

5. The Commissioner may—

- (a) after giving reasonable notice in writing to the owner or occupier, carry any main through, across or under any land or street whatsoever; and
- (b) at any time, upon giving such reasonable notice as circumstances permit or, in case of serious emergency, without giving notice, enter upon any such land or street for the purpose of repairing, maintaining, renewing, removing, altering, inspecting, attending to or testing any such main thereon,

without paying any compensation, but making good or, at his option, paying for damage done or occasioned through the operations under this section.

*Commissioner may erect public fountains, etc.*

6. It shall be lawful for the Commissioner to erect and maintain at such times and places as shall appear proper to him, such number of public fountains, baths and washing places as he shall deem expedient, to which all persons shall, subject to any by-law under section 11 have free access.

*Commissioner shall fix fire-plugs and fire-cocks*

7.—(1) The Commissioner shall, on laying down any main in any street, at the time of laying such main and afterwards from time to time, fix such fire-plugs and fire-cocks as he may think necessary on or near such street for the supply of water for extinguishing fires.

(2) It shall not be lawful to make any charge for any water supplied for extinguishing fires.

*Commissioner may disconnect services*

8. It shall be lawful for the Commissioner to disconnect from the waterworks the service to any premises without prejudice to any water charges, meter rent or other sums due or to become due under this Act—

- (a) unless the owner, within 30 days from the date of service of written notice in that behalf or such extended time as the Commissioner may allow, gives an undertaking satisfactory to the Commissioner to pay to the Commissioner the amount due for charges for water and for meter rent in accordance with the by-laws;
- (b) if default is made by the owner of the premises in the payment of any deposit which the Commissioner may require or of any moneys due under this Act, for so long as the default continues;
- (c) if the construction, alteration or repair of any inside service is not carried out to the satisfaction of the Commissioner in accordance with the provisions of this Act or the by-laws, or if the construction, alteration or repair of any inside service is carried out without the approval of the Commissioner;
- (d) if it is found that water supplied from the waterworks through the service to the premises is being wilfully or negligently wasted; or
- (e) if any act or thing is done or omitted contrary to the provisions of this Act in relation to any damage, alteration, pollution or abuse of the waterworks or of any service or fire service.

*Power of entry into premises*

9. It shall be lawful for the Commissioner or any person duly authorized by him, at any reasonable time between 6 a.m. and 6 p.m. or, in the case of urgency, at any time, for the purposes hereinafter mentioned, to enter into and upon any premises into or upon which any service has been laid for the supply of water from the waterworks, namely—

- (a) to inspect any service and to ascertain whether there is any waste, leakage, obstruction, alteration, interference or damage to any service or meter therein and anything in connection therewith;
- (b) to regulate or repair any service or meter;
- (c) to ascertain the consumption; or
- (d) to disconnect the service to any premises or to diminish, withhold or suspend, stop, turn off or divert the supply of water to any premises through or by means of any service, either wholly or in part.

*Power to restrict, suspend, etc., the supply of water*

10. It shall be lawful for the Commissioner to restrict, diminish, withhold or suspend, stop, turn off or divert the supply of water through or by means of any main, service or public standpipe, either wholly or in part, and without prejudice to any water charges, meter rent or other sums due or to become due under this Ordinance, and without compensation for any damage or loss which may result—

- (a) whenever the available supply of water from the waterworks shall, in the opinion of the Commissioner, be insufficient;
- (b) whenever it may be expedient or necessary for the purpose of extending, altering, testing or repairing the waterworks or for the purpose of the connections of services or fire services;
- (c) whenever any public standpipe is damaged or the waters thereof are polluted or wasted;
- (d) in the cases of an outbreak of fire; or
- (e) in the case of a breakdown in the waterworks.

*Power to make by-laws*

11. The Commissioner may, subject to the approval of the Minister, make by-laws—

- (a) for the prevention of waste, undue consumption, misuse and contamination of water supplied from the waterworks;
- (b) for prescribing the size, nature, materials, position, strength and workmanship and the mode of arrangement, connection, alteration and repair of pipes and fittings;
- (c) to prescribe the type, position, mode of use and connection of meters, meter boxes and other apparatus and the limits of inaccuracy of meters and to regulate the testing and inspection of meters;
- (d) for inspection of services and water supply fittings;
- (e) for licensing of persons to perform work connected with the supply of water and for the fees for such licences;
- (f) providing for a free allowance of water to schools, hospitals, charitable or religious institutions or other premises;
- (g) for the charges to be made for water supplied to ships and the manner of collecting the same;

- (h) the form of application for a supply of water from the waterworks and the fees payable thereon;
- (i) generally for such other purposes as may be found necessary for the maintenance of an efficient water supply to all users of the same and for carrying out the provisions of this Act.

(Amended by Ordinance 6 of 1957, s. 4; Legal Notice 112 of 1970.)

*Commissioner to install meters*

12. The Commissioner shall install water meters on premises to which water is supplied under this Act:

Provided that it shall not be obligatory to install a meter in the case of an emergency or temporary supply and, where a meter is not installed, the measurement of water supplied shall be calculated as provided by by-laws under this Act.

*Charges for water*

13.—(1) Subject to the other provisions of this Act—

- (a) the charges for water supplied to premises shall be at so much for each 1,000 gallons as the Minister shall, by notice in the Gazette, fix from time to time; and
- (b) different rates may be fixed for water supplied as a building supply, a domestic supply or a trade supply or for different classes of such supply.

(2) Meter rents shall be as fixed by the Minister by notice in the Gazette.  
(Amended by Legal Notice 112 of 1970.)

*Owner liable for charges*

14. All charges under this Act for water and for meter rent shall be payable by the owner of the premises metered and supplied with water under this Act.

*Recovery of moneys*

15. All moneys, other than penalties and fines, payable or recoverable under this Act shall be recoverable at the suit of the Commissioner, together with interest thereon at a rate not exceeding 5 per cent per annum, and any judgement given or order made shall be enforced in the same manner in which any judgement or order may be enforced in any other action.

*Proof of moneys due*

16. In any such action, a certificate under the hand of the Commissioner that any sum of money is due shall be *prima facie* evidence of such debt and of the non-payment thereof.

*Distress warrant for charges*

17.—(1) In addition to the remedy provided by section 15, if any amount due and payable in respect of such charges remains unpaid for a period of 30 days after the same has been lawfully demanded, it shall be lawful for a resident magistrate\*, upon written request made by the Commissioner, or some person authorized in writing in that behalf by the Commissioner, to issue a summons to the person charged with such amount, calling upon him to appear and show cause why a warrant of distress should not issue.

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\* See Legal Notice 44 of 1977.

- (2) Such summons may be served upon the party—  
 (a) by delivering the same to him personally; or  
 (b) by leaving the same with some person for him at his last place of abode.
- (3) If, upon the day and at the place appointed for appearance—  
 (a) the party shall fail to appear and the magistrate is satisfied, upon oath, that such summons was duly served; or  
 (b) having appeared, the party shall fail to show that such amount is not lawfully due by him,  
 the magistrate shall issue a warrant for levying the said amount, with costs, by distress and sale of the personal property of the party.
- (4) Every such warrant shall contain every authority, and be executed in all respects, as if it were a writ of execution issued out of the court of the said magistrate.

*Water charges to remain charge on property*

18. Any unpaid charges for water or meter rent—  
 (a) shall be and remain a charge upon the premises in respect of which such charges are payable; and  
 (b) may be recovered at any future time as if then the owner had himself been liable to the payment of the charges so remaining unpaid.

*Her Majesty's ships may be exempt*

19. It shall be lawful for the Minister from time to time to exempt any of Her Majesty's ships of war or fleet auxiliaries or the ships of war or fleet auxiliaries of any foreign power from the payment of any charge for water supplied.  
 (Amended by Legal Notice 112 of 1970.)

*Receipts to be paid to general revenue*

20. All moneys received by the Commissioner under this Act shall be paid to general revenue.

*Pipes, meters, etc., not to be subject to distress in certain cases*

21. Where any pipes, meters, fittings, works or apparatus belonging to the Commissioner are placed in or upon any premises not being in the possession of the Commissioner for the purposes of supplying water, such pipes, meters, fittings, works or apparatus shall not be—  
 (a) subject to distress or to the landlord's remedy for rent of the premises where the same may be; or  
 (b) taken in execution under any process of a court of justice, or under any proceedings in bankruptcy or insolvency against the person in whose possession the same may be.

*Penalties in respect of wrongful acts*

- 22.—(1) Any person who—  
 (a) wilfully, fraudulently or by culpable negligence—  
 (i) injures, or permits to be injured, any meter, fountain, pump, cock, valve, pipe, cistern, reservoir, fence, water course or other part of the waterworks;  
 (ii) alters the index of any meter; or  
 (iii) prevents any meter from duly registering the quantity of water supplied; or

(b) fraudulently abstracts or uses water supplied by the Commissioner, shall (without prejudice to any other right or remedy for the protection of the Commissioner or the punishment of the offender), for every such offence, be liable to a fine not exceeding \$100 and to a further fine not exceeding \$20 for every day after the first day during which such offence continues.

(2) The Commissioner may, in addition thereto, recover from such person the amount of any damage by him sustained.

(3) The existence of artificial means for causing such alteration or prevention, or for fraudulently abstracting, consuming or using water supplied by the Commissioner, when such meter is under the custody or control of such person shall be *prima facie* evidence that such alteration, prevention, abstraction or consumption, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer using such meter.

*Assault or obstruction of Commissioner or officers*

23. If any person assaults, molests, hinders or obstructs the Commissioner or any authorized officer in making or attempting to make any entry or inspection or in the execution of any of the works authorized by this Act, or any by-laws made thereunder, such person shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding \$20.

*Penalty for polluting water supply*

24.—(1) Every person who—

- (a) washes any animal or any clothes, wool, leather or the skin of any animal or any noisome or offensive thing, or throws or casts any dead animal or any filth or other noisome or offensive thing, or who bathes, in any water in the waterworks;
- (b) causes or suffers the water of any sewer or drain to run or be conveyed into any water in the waterworks or into any water in a catchment area;
- (c) does any other thing whatsoever or permits any other thing whatsoever to be done to the water in the waterworks or the water in a catchment area whereby or by means whereof the water or any part thereof is or may be polluted,

shall be guilty of an offence and shall be liable to a fine not exceeding \$100.

(2) For the purposes of this section, water shall not be deemed to be polluted by reason only of innocuous discolouration.

*(Amended by Ordinance 6 of 1957, s. 5.)*

*Wasting water, etc.*

25. Every person who—

- (a) opens or leaves open any cock, valve or any fountain or pump being part of the machinery so that the water of or supplied from the waterworks runs or may run to waste;
- (b) wilfully and without consent of the Commissioner or negligently interferes with valves or other apparatus of the waterworks;
- (c) without the consent of the Commissioner, makes any alteration in a service pipe or uses any pipe so altered;

- (d) without the consent of the Commissioner, supplies any water from the water supplied to him by the Commissioner to any person for use in other premises, except where the supply is made in case of a fire or to a person supplied by the Commissioner but temporarily unable, through no default of his own, to obtain water;
  - (e) uses water for any purpose other than that for which the water is supplied to him; or
  - (f) is found within an enclosure to any reservoir forming part of the waterworks without reasonable excuse,
- shall be guilty of an offence and shall be liable to a fine not exceeding \$20.  
(Amended by Ordinance 6 of 1957, s. 6.)

*Waste caused by disrepair, etc.*

26.—(1) Any person who, wilfully or negligently, causes or suffers any water fitting to be or remain so out of order or repair, or to be so constructed or used, that—

- (a) the water of or from the waterworks is wasted or contaminated before use; or
  - (b) foul air or any impure matter is likely to return into any pipe,
- shall be guilty of an offence and shall be liable to a fine not exceeding \$20.

(2) It shall be lawful for the Commissioner to require the necessary works to be done and, on default, himself to carry them out and recover the costs from the owner of the premises.

[27. \* \* \* \* \* (Repealed by Ordinance 6 of 1957, s. 7.)]

*Exemption of certain village supplies*

28. Where the inhabitants of a rural settlement or Fijian village have contributed to the cost of installation of a communal supply, whether installed before or after 15 April 1955, the Minister may, in his discretion, by notice in the Gazette, exempt the settlement or village from the payment of the whole or a proportion of the charges for water or meter rent under this Act.

(Amended by Legal Notice 112 of 1970.)