



GRENADA

ACT NO. 23 OF 1969

I assent,



L. V. DE GALE
Deputy Governor.

3rd October, 1969.

An Act relating to the regulation and maintenance of the Water Supply and the construction and maintenance of Waterworks in Grenada; to provide for the creation and establishment of a Central Water Commission with sole jurisdiction in all matters pertaining to the supply of potable water throughout Grenada; for the transfer to that Commission of the assets and liabilities of Existing Water Authorities; and for purposes connected with the matters aforesaid.

[On Proclamation.]

Be it enacted by the Queen's Most Excellent Majesty, ^{Enactment.}
by and with the advice and consent of the Senate and

House of Representatives of Grenada, and by the authority of the same, as follows:—

PRELIMINARY

Short title
and
commencement.

1. This Act may be cited as the

WATER SUPPLY ACT, 1969,

and shall come into operation on a day to be appointed by the Governor by Proclamation published in the *Gazette*:

Provided that the Governor may, in like manner, appoint different days for the coming into operation of different sections of this Act.

Application.

2. This Act shall apply to all waterworks existing or hereafter to be constructed in Grenada, other than the Carriacou and Petit Martinique waterworks, and to any extension or addition made thereto:

Provided that the Governor may, by order, from time to time, extend the provisions of this Act and any regulations made thereunder to apply to the Carriacou and Petit Martinique Waterworks or any extension or addition thereto.

Interpretation.

3. In this Act the following expressions shall have the meanings respectively assigned to them, that is to say:—

“catchment area” means any surface of land or any device which collects rainfall or through which water flows for the purposes of the waterworks;

“Chairman” means the Chairman of the Board of Commissioners established by section 5 of this Act;

“Commission” means the Central Water Commission established by section 4 of this Act;

“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 and franchise acquired;
- (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 and 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;

“improvements” means any and all replacements, additions, extension and betterments of and to the waterworks;

“local authority” means any body or authority for the time being responsible by law for the local government of any town, village or district in Grenada;

“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 member of the Cabinet for the time being charged with responsibility for the subject of Water Supply;

"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 or any ornamental purpose; or for the supply of ponds, pools or tanks; or for laundries, public washhouses, public bath vessels, ships, or boats; and includes water used or consumed by any person resident in or occupying, any premises where a non-domestic supply is given, as well as any water taken or used from the waterworks by the Military, Naval or Civil Establishment of the State or of Her Majesty's Government in right of the United Kingdom or of a Commonwealth territory;

"owner" means the holder of any tenement direct from the Crown whether under lease, licence or otherwise, or the immediate landlord of any tenement, or the agent of any such holder, or landlord, who is absent or under disability, or if there be no such agent the occupier of the tenement;

"public fountain" means any fountain, stand pipe, 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 Commission and which belongs to or is vested in the Commission;

"service" means all pipes, valves, cisterns, cocks, fittings and other appliances (excepting an meter as hereinbefore defined) by or through

which water flows or is intended to flow from the waterworks, or which are or may be used for the purpose of supplying any tenement from the waterworks, and which serve the property of the owner or occupier of such tenement;

“shallow dug well” means a well the maximum depth of which does not exceed five feet;

“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 on the waters of Grenada;

“water-course” means any lake, pond, spring, river, stream, reservoir, aqueduct or pipe from through, to, along, or by which water is conducted and supplied to the waterworks;

“waterworks” means all reservoirs, wells, dams, tanks, cisterns, tunnels, filter beds, conduits, aqueducts, pipes, fountains, showers, valves, pumps, engines, culverts and all machinery, lands and buildings and things for supplying or used for supplying water;

“way-leave” means a right, on the part of the Chairman and persons acting under his authority, to the user of land for the laying of tunnels, conduits, aqueducts, channels, drains, outfalls for water mains, pipes or other structures and appliances, and accessories thereto, together with the right of access to and of opening up such land from time to time for the inspection, renewal, repair, replacement or removal of any such works and of restoring any such land, without in any such case affecting the ownership of such land.

ESTABLISHMENT OF COMMISSION

4.—(1) There is hereby constituted and established for the purpose of this Act a body corporate to be called the Central Water Commission which shall have per-

Establishment
of Central
Water
Commission.

petual succession and a common seal with power as such body corporate to make contracts and to sue and be sued in its corporate name, to acquire, hold and dispose of all kinds of property moveable or immovable, to draw, accept, make, endorse and negotiate bills of exchange, promissory notes, bills of lading and other negotiable instruments.

(2) The seal of the Commission shall be authenticated by the signature of the Chairman or one of the Commission authorised by the Commission to act in that behalf, and the Manager of the Commission, and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Commission may be signified under the hand of the Chairman, or any member authorised by the Commission to act in that behalf, or the Manager of the Commission.

**Board of
Commissioners
and
membership.** 5.—(1) The powers of the Commission shall be exercised through, and its policy shall be determined by, a Board of Commissioners.

(2) The Board of Commissioners (hereinafter referred to as the Board) shall consist of a Chairman and not more than seven members all of whom shall be appointed by the Governor. The membership of the Board shall include—

(a) a senior officer representing the Ministry of Communications, Works and Natural Resources;

(b) a senior officer representing the Ministry of Finance;

(c) the Medical Officer of Health;

(d) four persons appointed to represent the interests of local government authorities, the Chamber of Commerce and such other bodies as the Governor may deem fit.

(3) Subject to the provisions of the next succeeding subsection, the Chairman and every other member

of the Board shall, unless his appointment is sooner determined by the Governor, or he sooner resigns by giving notice in writing to the Governor, or he sooner dies, hold office for a period of two years from the date of his appointment; but shall be eligible for re-appointment from time to time.

(4) A member of the Board shall *ipso facto* cease to be a member thereof if he is absent from three consecutive meetings of the Board without leave from the Board or is absent from Grenada for more than one month without such leave.

6.—(1) The Board shall meet at least once in every month and may meet as often as may be required for the transaction of business. Meetings shall be held at such places and times and on such days as the Board may determine. Meetings and procedure.

(2) The Chairman may at any time call a special meeting of the Board to be held within seven days of the notice of such meeting.

(3) An extraordinary meeting of the Board shall be summoned by the Secretary within seven days of a request in that behalf addressed to him by any two members of the Board or by the Minister. The request shall be in writing and, except by leave of the Board, no business other than that specified in the request shall be transacted at the extraordinary meeting.

(4) Subject to the provisions of this section the Board shall have the power to regulate its own procedure.

(5) Any four members of the Board including the Chairman shall form a quorum. Quorum.

(6) The Chairman shall preside at all meetings of the Board:

Provided that in the event of his being unable to attend a meeting the members of the Board present and constituting a quorum shall elect a chairman to preside at the meeting.

(7) In the event of an equality of votes on a question at a meeting the Chairman of the meeting

shall have a second or casting vote in respect of that question.

(8) The validity of any proceeding of the Board shall not be affected by any vacancy in the membership thereof or by any defect in the appointment of a member thereof.

OFFICERS AND SERVANTS

Appointment
of officers
of Commission.

7.—(1) The Board may, from time to time, with the approval of the Governor, appoint the following executive officers:—

- (a) a Secretary/Manager;
- (b) an Assistant Manager; and
- (c) a Comptroller/Auditor,

whose conditions of service, duties and responsibilities shall be as specified in this Act, regulations made thereunder and, subject thereto, by directions of the Board.

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

Duties of
Secretary/
Manager.

8.—(1) The Secretary/Manager shall be the senior officer of the Commission responsible to the Board for carrying out its general policy and for the general supervision of the activities of the Commission. He shall have general administrative control of all other officers, employees and agents of the Commission.

(2) The Board may, subject to such conditions as it may specify, delegate to the Secretary/Manager power to appoint and power to dismiss all or any of the officers and servants mentioned in subsection (2) of the preceding section including the power to suspend such officers pending consideration of their dismissal by the Board.

Remuneration
of officers
and servants

9. Officers and servants of the Commission shall receive such remuneration as the Board with the approval of the Governor shall determine.

10. The Manager shall render to the Board, not later ^{Reports.} than such date as the Board may fix, monthly and annual reports relating to the finances and activities of the Commission.

DUTIES AND POWERS OF COMMISSION

11.—(1) The Commission shall provide and keep in ^{Duties and powers of Commission.} any waterworks vested in, or acquired or constructed by the Commission, an adequate supply of pure and wholesome water for public and private purposes, and shall maintain the waterworks in good condition and repair and shall, if necessary, reconstruct the same.

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

- (a) to employ, by contract or otherwise, such consulting engineers, engineers and superintendents, construction and accounting experts, and attorneys as may be necessary;
- (b) to accept grants of any kind from any source;
- (c) to determine, fix, alter, charge and collect rates, fees, rentals and other charges for the use of the facilities of the Commission, or for the water or other commodities or services sold, rendered, or furnished by it;
- (d) to enter on any lands, water or premises, after notifying the owners or occupants thereof, or their representatives, for the purpose of making surveys, soundings, and examinations;
- (e) to improve and extend the water under its jurisdiction and to provide additional facilities of the same character;
- (f) to do all such acts and things as may be incidental to, necessary or convenient for, the carrying out of all or any of the purposes of this Act;

Provided, however, that all water rates fixed by the Commission and any alterations in the aforesaid rates shall be of no effect until approved by the Governor.

TRANSFER OF PROPERTY AND PERSONNEL

Transfer of assets and liabilities of Central Water Authority to Commission.

12. All the waterworks vested in the Central Water Authority constituted under the Water Supply Ordinance shall, after the commencement of this Act, be transferred to and vest in the Commission, and all assets, powers, duties, liabilities and obligations of such Central Water Authority shall also be transferred to the Commission.

Effect of transfer.

13.—(1) The debts and liabilities, so transferred as aforesaid, shall become debts and liabilities of the Commission, and shall in manner provided by this Act be defrayed out of the water rates, rents and funds out of which they would have been defrayed if such waterworks had remained vested in the water authority from which they were transferred.

(2) Every agreement to which the Central Water Authority was a party immediately before the date on which this Act comes into operation (hereinafter referred to as the appointed day) shall have effect as if—

- (a) the Commission had been a party to the agreement;
- (b) for any reference to the Central Water Authority there were substituted, in respect of anything falling to be done on or after the appointed day, a reference to the Commission;
- (c) for any reference to any member or officer of the Central Water Authority there were substituted, in respect of anything falling to be done on or after the appointed day, a reference to such person as the Commission may appoint or, in default of such appointment, to the member or officer of the

Commission who corresponds as nearly as may be to the member or officer of the Central Water Authority.

(d) for any reference to any fund or revenues of the Central Water Authority there were substituted in respect of anything falling to be done on or after the appointed day, a reference to the corresponding fund or revenues of the Commission.

14. The Governor shall, by regulations, in such cases ^{Transfer of} and to such extent as may be specified in the regulations ^{officers.} provide for the compensation, or as to the terms and conditions of service with the Commission of officers and servants of the Government, or of any local authority from whom functions are transferred by this Act to the Commission, being officers or servants who, prior to the date of such transfer, were employed by the Government or by a local authority, as the case may be.

WATER AREAS

15.—(1) For the purposes of this Act, Grenada shall ^{Establishmen} consist of water areas and sub-areas the boundaries of ^{of water areas.} which shall be defined by order made by the Governor at the request of the Commission; and, notwithstanding the provisions of any other law to the contrary, such water areas and sub-areas shall be subject to the sole jurisdiction of the Commission for the purposes of carrying out the provisions of this Act.

(2) Until other water areas and sub-areas are established by order made pursuant to the last preceding subsection the water districts and sub-districts into which Grenada is divided immediately before the commencement of this Act shall be deemed to be water areas and sub-areas respectively for the purposes of this Act.

(3) At the request of the Commission, the Governor, may from time to time, by order, reduce or increase the number of water areas and sub-areas or alter the boundaries thereof and thereupon the Commission shall have the like duties, powers and responsibilities with respect to such water areas and sub-areas as it has with respect to the water areas and sub-areas established under this Act:

Provided that in the case of water works constructed after the commencement of this Act a provisional order may define the limits of the water areas or sub-areas to be served thereby.

FINANCIAL PROVISIONS

Confirmation of appropriations. 16. All appropriations made by the Legislature or by any local 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 Commission.

Meeting Commission's deficits.

17. During the first five years after the commencement of this Act, and until such time thereafter as the Commission is self-supporting, there shall be charged upon the Consolidated Fund, a sum not less than that part of the Commission's operating budget not sufficiently covered by its own revenue:

Provided that such sum shall not without approval by resolution of both Houses of the Legislature exceed the amount appropriated for the same purposes during the previous year.

Accounts.

18. The accounts of the Commission shall be kept in such manner as appropriately to segregate, insofar as advisable, the accounts in respect of the different classes of operations, projects, undertakings and activities of the Commission, 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 Commission and a description of the major components of the 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.

19.—(1) The Board shall have the sole power to fix, ^{Water rates and charges.} levy and demand, and from time to time to revise, the rates and charges to be paid and collected for the commodities, services and facilities furnished by the Commission.

(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 reserves for such purposes, and for replacement and depreciation;

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

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

(a) a general water rate payable upon all tenements situated within the prescribed water supply area, 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:

Provided that any water rates and charges which are in force under any enactment relating to water supply immediately before the commencement of this Act shall remain in force and shall be paid to and

collected by the Board until new rates and charges are fixed by the Board in accordance with the provisions of this Act.

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Provided also that the Board may exempt from water rates and charges all or any lands within any area declared to be an agricultural area under the Towns Administration Ordinance; but nothing in this proviso shall be construed as affecting the liability to water rates and charges of any house or building situate on any such lands and the yards belonging to such houses and buildings.

Areas to be supplied with water.

20. For the purposes of the application of the water rates and charges provided in the preceding section, the areas to be supplied with water under this Act, so far as they are not included within the boundaries of any of the water areas and sub-areas defined by this Act, shall be defined by order made by the Governor; and it shall be lawful for the Governor from time to time by order further to extend or otherwise vary the limits of the several areas.

Method of assessment.

21.—(1) The Commission shall assess annually 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 seven per centum, upon the assessed annual rental of lands, houses and buildings as the Commission shall determine.

(2) The actual amount payable with respect to each individual tenement shall be assessed by the Commission according to the method of assessment provided for the collection of house and land tax:

Provided that the Commission may make an assessment of the annual rental of all lands, houses and buildings within a water area or sub-area liable to water rates and charges but exempt from house and land tax:

Provided further that lands, houses and buildings

which may be omitted from the house and land tax roll shall be separately assessed for the purposes of water rates and charges.

(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 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 Commission.

22. When the assessment list has been prepared, and the annual rates or rents to be paid have been fixed, the Board shall cause the same to be exhibited at the place where its meetings are usually held and at the entrance to the Magistrate's Court of the respective districts. Notice of assessment to be given.

23.—(1) After the publication of assessments and rates in the manner in the last preceding section mentioned any person who objects to any such assessment may, within fourteen days after the publication aforesaid give notice in writing to the Chairman of the Board to appeal therefrom to the Magistrate, and shall, within the same time, give to such Magistrate written notice of appeal stating therein his objections to such assessment. Appeal from assessments.

(2) The Magistrate may, within seven days after the receipt of the notice of appeal, appoint two appraisers to consider such objections who shall, after inspection of the premises in respect whereof the person so objecting shall have been assessed, and within three days of their appointment, report to the Magistrate whether the said objections ought to be sustained or not, and the Magistrate shall give his decision thereon which shall be final. The costs of and incidental to the appeal, including any expenses of appraisement, shall be in the discretion of the Magistrate, and an order for the pay-

ment of the same may be enforced in the same manner as other summary orders for the payment of money.

(3) No appeal shall lie against any assessment of the Board by any person who has been previously assessed for the current year, by the authority for the time being having power by law to assess property, for the purpose of town rates or house tax as the case may be, at the same annual rental or value as that in respect whereof such person so objects as aforesaid and has not appealed therefrom, unless good reason for not having appealed before are given:

Provided that such appeal shall only apply to the year of appeal.

Magistrate on determination of appeals to send list to Board.

24.—(1) The Magistrate shall, upon the determination of all appeals in the manner aforesaid, send a list of the assessments as adjudicated upon to the Board.

(2) The Board shall forthwith cause a list to be prepared of the alterations (if any) made by reason of such determination in the list originally published by the Board and the assessment list, and a copy thereof sent to the Minister; and the assessment of every property therein set forth shall be held to be its ascertained rental or value for rental for the purpose of payment of water rates or rents during the year following such publication.

Times for payment of rates and charges.

25.—(1) All rates and charges payable under this Act shall be paid at any time between the first day of May and the thirty-first day of July in each year.

(2) On the total amounts of rates and charges, due by any person named in the assessment list and remaining unpaid on the thirty-first day of July, there shall be paid a fine thereon of five per centum of such amount so in arrear:

Provided that no fine hereunder shall be less than the sum of one dollar.

(3) All rates, charges and fines, made payable under this Act, shall be paid to the Board at its usual place of business, or at such other place as the Board may appoint.

26. On or before the fifteenth day of April in each year the Board shall cause to be published in the *Gazette* and in at least one newspaper published and circulating in Grenada a notice to the effect that the assessment list as finally determined may be seen at the office of the Board and at such other place or places as the Board may appoint, between the days in the last preceding section mentioned and that attendance will be given during that period at that office or place for the purpose of receiving the rates and charges fixed by the Board, and the publication of such notice shall be considered a sufficient demand for the payment of the said rates and charges.

Notice to be given of period for payment of rates and charges.

27. The Board shall give to the person making payment of the rate or charge a printed receipt for the same from a numbered counterfoil book.

Board to give printed receipts.

28. The Commission shall render no free service. The charges for services rendered to the Government of Grenada or to any local authority shall be deemed to be ordinary expenses of the Government or of the corresponding local authority 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.

Payment for all services.

29.—(1) There shall be no direct water charge for water used by the Fire Brigade.

Payment for fire services.

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

Public
fountains.

30. There shall be no direct charge for water used by the public from public fountains, but this service shall be considered to be an obligation of the Government and the Government shall pay to the Commission the price of water served through public fountains. The Commission may enter into an agreement with the Government regarding the rate to be paid for this service.

Remission of
rates and
charges from
Board.

31. The Board may remit wholly or in part any water rate or charge on the ground of poverty of the person liable to pay the same, or that the rate creates an undue hardship.

Tenant's right
to deduct rates
and charges
from rent.

32. In the absence of any agreement to the contrary, a tenant shall be entitled to deduct from the amount of rent payable by him such rates (inclusive of any fines or other expenses) as may have been duly paid by him in respect of the house and land rented by him:

Provided that the landlord, before accepting or giving a receipt for such rent, shall be entitled to demand from such tenant the production of the receipt for such rates.

Power to
alter times
mentioned
in Act.

33. The Board may, with the approval of the Governor, extend or otherwise alter the time fixed for the performance of any duty under this Act, and in cases where the time prescribed for the payment of rates or charges has been extended, the times for the payment of same without a fine and the recovery thereof shall thereupon be deemed to be proportionately extended.

FUNDS OF THE COMMISSION

Funds of
Commission

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

(2) All monies received by the Accountant General for the Commission shall form a fund to be

called the Central Water Commission Fund and shall be at the disposal of the Commission on demand pursuant to regulations made by the Commission with the approval of the Governor.

35.—(1) Notwithstanding anything to the contrary contained in any other law the Commission may, by resolution approved by both Houses of the Legislature, from time to time, and by the issue of debentures, raise loans to be applied towards the financing of the cost of construction, extension or improvement of water works systems, or for carrying out any of the purposes for which the Commission is established; and the said loans may be applied to pay the expenses incidental thereto.

Borrowing
power of
Commission.

(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 shall, for the payment of interest and repayment of the principal, and for the payment of salaries, wages, and materials used in the specific projects carried on or executed with those monies, constitute a first charge on the revenues of the Commission and in the second place upon the general revenues and assets of the Government of Grenada.

(4) A resolution approved by the Commission 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 or improvement of waterworks systems, or for carrying out any of the purposes for which the Commission is established.

(5) The resolution shall cover all details regarding debentures, including the form of the 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, number of days for drawing, notice of time and place for drawing, time when the principal sum 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 Commission.

SUBMISSION OF ANNUAL ESTIMATES

Estimates
of revenue and
expenditure.

36. On or before the thirty-first day of December in each year, the Commission shall submit for the approval of the Minister an estimate setting forth—

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

Annual balance
sheet to be
submitted to
Minister.

37.—(1) On or before the thirty-first day of May in each year, the Commission shall submit to the Minister a balance sheet setting forth the amount of—

- (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 services provided by the Commission, or in respect of materials sold by the Commission to private individuals during the past year;

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- (e) value of stock of tools and materials in possession of the Commission 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) outstanding debts and liabilities at the close of the financial year;
 - (j) balance available for the payment of interest and sinking fund and for the creation of a reserve fund; and
 - (k) outstanding debts due to the Commission:

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

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

(3) Notwithstanding anything contained in the last preceding subsection the Minister may, in his discretion at any time require the principal audit officer of the Government to examine and report on the accounts of the Commission, and the Commission shall provide such principal audit officer with the necessary and appropriate facilities for such examination.

PRIVATE WATER SERVICES

38.—(1) The Commission shall, upon the application of any person within a water area and upon payment by him of such annual sum of money or rate, as the Commission shall determine, cause the premises of such

Provision o.
private water
services.

person to be provided with a supply of water, and may, at its discretion, from time to time, diminish or increase such supply:

Provided always that upon any such application, the Commission may have regard to the quantity of water applied for and the purposes for which it is required, and impose such limits thereto as, in the interest of a sufficient water supply in the area, it may deem expedient.

(2) In default of payment of such annual sum of money or rate the same shall be recovered by the Commission in the same manner and at the same time as other rates and charges made payable by this Act.

(3) In the case of a private water service being attached to any premises after the publication of the annual assessment list hereinbefore provided for, the Commission shall add the particulars of such new service to the rates already levied and the sum of money or rate payable for such service shall be charged according to the proportion of the year then unexpired and shall be recoverable in manner aforesaid.

Payment for introduction of water etc. to be made in advance.

39. Subject to the provisions of the last preceding section, the Commission shall carry out all works necessary for introducing a supply of water into private premises and all alterations there which shall from time to time be required; the cost of the introduction and of all such alterations and repairs shall be defrayed in advance by the person into whose premises the water is to be introduced.

Commission may supply water by meter.

40. The Commission may, when it thinks fit, supply water by meter. The Commission shall at all times keep all meters and other instruments for measuring water, let for hire to any person, in proper order for correctly registering the supply of water and in default of its so doing such person shall not be liable to pay rent or other charge for the same during such time as such

default continues. The Commission shall, for the purposes aforesaid, have access to and be at liberty at all reasonable times to enter premises for the purpose of removing, testing, inspecting and replacing any such meter or instrument, and any person who shall obstruct the Commission in the exercise of such powers of entry or dealing with such meter or instrument shall be liable to a fine not exceeding forty-eight dollars.

41. The meters or instruments and apparatus of the Commission shall not be subject to distress for rent of the premises where the same are used nor to be attached or taken in execution under any powers of any court, or under any legal proceedings against or affecting the consumer of the water, or the occupier of the premises, or other person in whose possession such meters, instruments and apparatus may be.

Meters etc. not to be subject to distress for rent of premises.

CATCHMENT AREAS

42.—(1) All catchment areas so limited, marked out, and defined as such for any existing waterworks at the time of the coming into operation of this Act shall remain with the Government of Grenada.

Defining limits of catchment areas and reservation of same.

(2) Additional catchment areas, when necessary, shall be determined in accordance with regulations approved by the Commission:

Provided that a map showing clearly the limits and areas of the catchment areas shall be made and kept for public reference at the office of the Commission and a notification of the completion of such map shall be published in the **Gazette**.

43. No house or building or any other construction used or intended to be used temporarily or permanently as a dwelling shall be erected on any catchment area of the waterworks save and except constructions intended solely for the purposes of the waterworks.

No building to be erected on catchment areas.

44. Catchment areas shall be retained as forest reserves for the protection, conservation and maintenance.

Catchment areas to be retained as forest reserves.

ance of which the Chief Forestry Officer shall be responsible in accordance with the provisions of the Forest, Soil and Water Conservation Ordinance.

How catchment areas to be reserved for augmenting water supply.

45. Whenever the Governor shall, upon the representation of the Commission or otherwise, decide that a catchment area is required for the purposes of extending or augmenting the water supply, the Commission shall cause the limits or areas thereof to be marked out, defined and mapped, as provided in section 42 of this Act, 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.

Commission or agents may enter land to carry out works, etc.

46.—(1) The Commission, or its officers, agents or servants shall, after giving reasonable notice in writing to any local authority, have the right and power to construct or place any part or any of its works, projects, undertakings, or property, or 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 Grenada or any local authority thereof, without obtaining any franchise or permit therefor, but shall obtain the consent of the Senior Technical Officer of the Public Works Department with respect to constructions affecting public lands and highways. The Commission shall restore any such street, highway, or lands to their condition before the commencement of any operation and shall not use the same in a manner unnecessarily to impair their usefulness.

(2) Whenever it becomes necessary to relocate installations of the Commission situated on the public thoroughfare, or in any other place, by reason or as a result or consequence of the execution of a public work in charge of the Department of Public Works or other Government agency, the cost of such relocation shall be considered as a part of the expenditure carried by the

Department or other agency, and shall be paid or reimbursed to the Commission 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 Commission shall take charge of the additional cost resulting therefrom.

ACQUISITION OF PROPERTY

47. The Governor may, upon request of the Commission, acquire for the purposes of waterworks any springs, streams or waters, and also any lands which may be reasonably required for such purpose, and to that end the Governor may contract and agree with the owners of such springs, streams, waters or lands, and with all parties having an estate or interest in the same, for the purpose of such springs, streams, waters and lands or such part thereof and all such rights, estates and interests into and over the same, as may be required. Acquisition of property.

48. In the event of the Governor and such owners, occupiers or parties interested as aforesaid, being unable to agree as to the purchase money or otherwise, then the Governor may 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. Acquisition of property under Land Acquisition Ordinance. Cap. 153

49—(1) Upon payment or tender of the purchase money agreed or awarded to be paid in respect of any springs, streams, waters or lands purchased or taken by the Governor as aforesaid, the Commission may immediately enter upon such springs, streams, waters, or lands, and the fee simple and inheritance thereof, and all the estate, right, title, interest, claim and demand of Lands acquired to vest in Commission.

all parties therein shall be vested in the Commission for the purposes of this Act.

Cap. 153

(2) Upon payment or tender of the purchase money agreed or awarded to be paid in respect of any springs, streams, waters or lands purchased or taken by the Governor under the provisions of the Land Acquisition Ordinance for the purposes of waterworks or whenever any of the respective cases shall happen wherein, under the provisions of the said Ordinance, such money is authorized or directed to be retained in the hands of the Accountant General, the Commission may immediately enter upon such springs, streams, waters, or lands, and the fee simple and inheritance thereof, and all the estate, right, title, interest, claim and demand of all parties therein, shall be vested in the Commission for the purposes of this Act.

(3) Every such payment, tender or retainer shall in all respects operate as if a grant had been made to the Governor of the said springs, streams, waters or land or of the particular estate or interest therein as the case may be; and in all cases in which the Commission has a right of entry under the provisions of this Act and delivery of possession is refused or withheld, the Magistrate of the district wherein such springs, streams, waters or lands are situate may issue his warrant to any police constable to enter upon the property, the possession whereof shall be refused or withheld, and to take possession thereof, and to deliver possession of the same to such person as in such warrant be nominated to receive the same, and the police constable is hereby authorized and required to take such possession and to deliver the same accordingly.

Power of
Chairman to
enter on
land for
purposes of
survey etc.

50. For the purpose of ascertaining the practicability or expediency of performing any duty or exercising any power under this Act, it shall be lawful for the Chairman and persons acting by his written authority—

(a) to enter upon and survey any land and take levels thereon;

- (b) to dig and bore under the subsoil of such land;
(c) to do all such other things as may be incidental to or necessary for the purpose aforesaid:

Provided that—

- (i) except in cases in which the Minister has directed by notification in the *Gazette* that the powers conferred by this section may, subject to the next succeeding proviso, be exercised without notice, the Chairman and persons acting by his authority shall not enter upon any land without giving at least twenty-four hours notice in writing to the occupier thereof; and
- (ii) the Chairman and persons acting by his authority shall not in any event enter into any building without the consent of the occupier thereof without giving at least twenty-four hours notice in writing to such occupier; and
- (iii) adequate compensation shall be paid for any loss, damage or injury caused by reason of the exercise of the powers conferred by this section.

51.—(1) Subject to the provisions of this section, any way-leave which the Minister deems necessary or desirable to enable the Chairman to perform any duty or exercise any power under this Act may be acquired over any land. Compulsory acquisition of way-leaves over private land.

(2) Whenever the acquisition of a way-leave over any land has been provisionally approved by the Minister, the Chairman shall cause to be prepared—

- (a) a detailed description (hereinafter referred to as “the description”) of the proposed way-

leave and of the period for which it is sought (if it is sought for a fixed period) and of its location and of the works contemplated; and

(b) a survey plan (hereinafter referred to as "the plan") indicating the location of the way-leave.

(3) The Chairman shall give notice of the intention to acquire the way-leave—

(a) by publishing in not less than three issues of a daily newspaper published and circulating in Grenada a notice setting forth the description, and naming a place where the plan may be inspected, and specifying the time (which shall not be less than fourteen days from the date of the last of the publications) and manner in which objections may be made; and

(b) by causing a like notice to be exhibited conspicuously in a convenient place or places in or near the area affected by the proposed way-leave not later than the date of the last of the publications contemplated by paragraph (a) of this subsection.

(4) Within the time specified in the notice mentioned in subsection (3) any person claiming the granting of the way-leave will cause him loss, damage or injury may give notice in writing to the Minister his objection to the way-leave and of the grounds thereof, and thereupon the Minister shall consider the description and the plan and the notice of objection and either uphold or overrule the objection. When the Minister overrules an objection, he may nevertheless direct that the description and plan shall be modified in such manner as he may think fit. The decision of the Minister shall be final and shall not be called in question in any court.

52. It shall be lawful for any person specially authorised thereto by the Commission 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 pipe 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.

Right of persons authorised by Commission to enter upon lands.

CONSTRUCTION OF ADDITIONAL WATER WORKS

53. The Governor may from time to time, with the advice of the Commission, cause to be laid before the Legislature, for approval by resolution of both Houses, a provisional order that waterworks be constructed for the supply of any area in and by such order to be defined.

Provisional order to be laid before Legislature.

54. In and by each such order there may be defined in the case of each such water area—

Matters to be defined in provisional order.

- (a) the source from which water shall be supplied;
- (b) the estimated cost of the waterworks to be constructed;
- (c) the capital loan or other advance to be authorised for the construction;
- (d) the methods and terms of repayment of the capital sum to be expended in such construction and the interest thereon;
- (e) the amount of water rate to be collected in the area;
- (f) such special conditions or directions with respect to construction, maintenance, assessment, rating and payment and to the vesting of property as it may appear necessary to supply and direct;
- (g) such other regulations respecting the matters mentioned in such order as it may be deemed desirable to insert in such order in place of leaving the same to be dealt with

by regulations under the provisions of section 76 of this Act:

Provided always that nothing in any such order shall be repugnant to any of the provisions of this Act.

Amendment of
provisional
order.

55. Each provisional order may, subject to the provisions of this Act, be amended or added to from time to time in respect of any of the matters aforesaid by subsequent like provisional orders similarly to be laid before the Legislature.

Provisional
order to have
force of law.

56. Each such provisional order on being approved by resolution of both Houses of the Legislature shall be published in the *Gazette* and shall as from the date of such publication have the same force and effect as if the provisions thereof were contained in and formed part of this Act.

Provisional
order to be
judicially
noticed.

57. Each such provisional order on publication as aforesaid shall be judicially noticed.

Legislature
may approve
amend or
reject
provisional
order.

58. The Legislature shall have power to sanction or to reject any such provisional order and with the assent of the Governor, but not otherwise, to amend or otherwise add to the same.

Construction
of works in
pursuance of
provisional
order.

59. The Governor, after such provisional order as aforesaid has become law, may authorise the Commission to proceed with the construction of the water-works according to such order and all lands, streams, springs, riparian and other water rights, watercourses, way-leaves, easements and other interest in the land necessary for the construction in the area of the water-works by such provisional order may be acquired in accordance with the provisions of the Ordinance relating to the acquisition of lands.

60. The Commission shall, from time to time in the manner prescribed by this Act, provide the monies requisite in any one year for the upkeep and repair of additional waterworks and for interest charges and sinking fund established for the repayment of any loan or loans made for the construction of such waterworks.

Duties of Commission as respects additional waterworks.

WELLS AND BORE-HOLES

61.—(1) It shall not be lawful for any person—

- (a) to sink any well or bore-hole or to deepen an existing well or bore-hole with the object of abstracting under-ground water therefrom or of using it for the disposal of sewerage water or other waste, or to carry out any part of any such operations or to cause or suffer any of such operations to be carried out in whole or in part, unless there is in force a permit in writing so to do granted by the Commission and unless the conditions and restrictions contained or implied in such permit are complied with;
- (b) to abstract under-ground water from any well or bore-hole or to use it for the disposal of sewerage water or other waste or to cause to suffer any such operation to be carried out, unless there is in force a licence in writing to do so granted by the Commission and unless the conditions and restrictions contained or implied in such licence are complied with:

Sinking of wells and bore-holes.

Provided that, in the case of any well or bore-hole which is in existence immediately before the commencement of this Act, and which is then used for the abstraction of underground water or the disposal of sewerage water or other waste a licence to continue the particular user shall not be required until the expiration of one month from the day on

which this Act comes into force, or, if application is meanwhile made for a licence, until the application is disposed of by the Commission.

(2) Application for any permit or licence mentioned in paragraph (i) of subsection (4) of this section shall be made in writing to the Chairman and shall be in such form and shall contain such particulars verified in such manner as the Commission may generally or specially require. Without prejudice to the generality of this provision, particulars may be required to be given and verified as to the water bearing capacity of any aquifers, when such capacity is in question, and of all relevant geological data as to the outcrop area near the site of the well or bore-hole or proposed well or bore-hole.

(3) A licence to abstract underground water shall not be refused in the case of a well or bore-hole which is in existence immediately before the commencement of this Act, and which is then used for the abstraction of underground water but any such licence may be subject to conditions and restrictions.

(4) Subject to the provisions of subsection (3) of this section, the Commission may refuse a permit or licence:—

(a) in the case of a permit—

- (i) if the purpose for which the well or bore-hole is to be sunk, deepened or converted is one which, if carried into effect may, notwithstanding any conditions or restrictions which could properly be imposed, be a source of danger to health and lead to contamination of any source of water (including the well or bore-hole in question) or prejudice the reasonable conservation, control or exploitation of underground sources of water; or
- (ii) if the purpose for which the well or bore-hole is to be sunk, deepened or converted is the abstraction of water where a suitable water supply from the

Commission is already available or will be available within a reasonable period;

- (b) in the case of a licence, if the purpose for which the licence is sought is open to any of the objections mentioned in paragraph (a) of this subsection or, if the licence is for the abstraction of water where a suitable water supply from the Commission is or will be available as mentioned in the said paragraph.

(5) Any conditions or restrictions may be attached to a permit or licence which are appropriate to prevent any danger to health or any danger of contamination of any source of water (including the well or bore-hole in question) or any prejudice to the reasonable conservation, control or exploitation of underground sources of water; and, without prejudice to the generality of this power, all or any of the following conditions or restrictions may be attached to any licence to abstract underground water from any well or bore-hole namely—

- (a) that the pumping of water out of such well or bore-hole shall be carried out at such times and at such rate as the Commission may from time to time fix;
- (b) that the water from such well or bore-hole shall not be sold to any person or used or permitted to be used by any person except the holder of the licence and members of his household or establishment;
- (c) that the water shall not be used or permitted to be used or distributed for drinking purposes (whether as it stands or is an ingredient in any food or drink) unless the permission in writing of the Chief Medical Officer has been obtained, and shall cease to be so used or permitted to be used whenever the Chief Medical Officer certifies that the water is no longer fit for human consumption:

Provided that nothing in this paragraph shall be deemed to prohibit the use of water for drinking purposes as aforesaid if such water is purified in accordance with the directions of the Chief Medical Officer and to his satisfaction;

(d) that samples of the water obtained shall be submitted to the Commission at such time as it may require.

(6) The following shall be implied conditions of any permit or licence granted under this section, namely—

(a) that the Commission or any person authorised by the Commission shall have the right to have access to and to inspect the well, bore-hole or pumping apparatus used in connection therewith, and to call for and obtain such data (including geological data) in connection with the well or bore-hole as it is reasonably practicable to obtain;

(b) that the Commission shall have the right to cancel the permit or licence, or to vary or add to the conditions or restrictions of the permit or licence, where its continuance in force or, as the case may be, its continuance in force without variation of or addition to its conditions or restrictions, would be open to any of the objections mentioned in this subsection;

(c) that the permit or licence may be cancelled by the Commission if there is a conviction under section 63 of this Act for a contravention of any restriction or condition contained or implied in the permit or licence.

(7) Every permit issued under this section shall be valid, unless previously cancelled, for such period as may be specified therein or for such further period as the Commission may allow in special circumstances.

(8) Every licence issued under this section shall expire, unless previously cancelled, on the thirty-first day of December following the date of issue:

Provided that, if application has meanwhile been made for a new licence, the former licence shall remain in force until such application is disposed of by the Commission.

(9) Permits and licences shall be in such form as the Commission, subject to the provisions of this section, may generally or specifically approve.

62.—(1) Subject to such endorsements as may be made from time to time by the Commission, a permit or licence shall be personal to the grantee.

Permits or licences to be personal unless endorsed.

(2) Every person who shall from time to time become entitled by endorsement as aforesaid to the benefits of a permit or licence shall be bound also by the conditions and restrictions thereof.

63. Any person who contravenes any of the provisions of section 61 of this Act shall be guilty of an offence against this Act and shall be liable on summary conviction at the option of the convicting court to a fine of five hundred dollars or to a fine of fifty dollars for each day during which the offence continues.

Offences.

64.—(1) If a well or bore-hole which has been constructed or used for the abstraction of underground water or the disposal of sewerage water or other waste is not used or ceases to be used for those purposes, the Commission may, by notice in writing served on the owner of the land on which the well or bore-hole is situate, require such owner to plug or fill such well or bore-hole or otherwise to render it safe, to the satisfaction of the Commission within such time as may be specified in the notice or such further time as the Commission may allow. If the owner of the land fails to comply with such requirements, the Chairman and persons acting by his written authority may enter the land and plug or fill the well or bore-hole, or otherwise render it safe, to the satisfaction of the Chairman.

Power of Commission to cause wells or bore-holes to be rendered safe.

(2) Any owner aggrieved by any requirement contained in a notice served on him under subsection (1) of this section shall have a right to appeal against such requirement to the Minister whose decision shall be final.

(3) The Commission's expenses, reasonably incurred in the exercise of the powers conferred by this section, shall be a debt due by the owner of the land in question to the Commission and shall be a charge on the land.

Powers of
Chairman in
cases of
contravention
of section 61.

65.—(1) If any well or bore-hole has been sunk, deepened or converted, or if any part of any such operation has been carried out, in contravention of the provisions of section 61 of this Act, or if a well or bore-hole is used in contravention of that section, and there has been a conviction under section 63 of this Act, in respect of any such contravention, the Chairman and persons acting by his written authority may, after giving three days notice in writing of his intention so to do to the owner of the land on which the well or bore-hole is situate, enter on the land and plug or fill the well or bore-hole or otherwise render it safe, to the satisfaction of the Chairman.

(2) The provisions of subsections (2) and (3) of section 64 of this Act shall, *mutatis mutandis*, apply to this section.

Exemption as
to shallow
dug wells, etc.

66. Notwithstanding the preceding provisions of this Act—

- (a) a permit shall not be required to sink a well which will be a shallow dug well, as defined in this Act, or to deepen or convert a shallow dug well unless, after the well has been deepened or converted, it will cease to be a shallow dug well;
- (b) a licence shall not be required to abstract water from a shallow dug well unless such well is

used or intended to be used to provide water for drinking purposes;

- (c) a permit or licence shall not be required in relation to any well or bore-hole used or intended to be used for the disposal of sewerage water or other waste when such well or bore-hole is not more than twelve feet deep:

Provided that the Governor may by order declare an area to be one within which permits and licences must be obtained even when the depth of any well or bore-hole as aforesaid is not more than twelve feet.

OFFENCES, PENALTIES AND PROCEEDINGS

Offences and penalties.

67. Every person who—

- (a) bathes in any part of the waterworks or in any watercourse; or
- (b) drives or permits or suffers any animal to be driven or to enter the waterworks or into any watercourse; or
- (c) washes in or throws into or causes or suffers to be washed in or thrown into the waterworks or into any watercourse any animal; or
- (d) washes in or throws into the waterworks or into any watercourse any dead animal or any part of a dead animal; or
- (e) puts or throws or causes or suffers to be put or thrown into the waterworks or into any watercourse any rubbish, dirt, filth or any foul offensive matter, solid or liquid; or
- (f) washes or cleanses or suffers or causes to be washed or cleansed in the waterworks or in any watercourse any cloth, wool, leather or skin of any animal or any clothes; or
- (g) causes or suffers the water from any sink, sewer, drain, steam engine or boiler or any foul or

filthy water being and lying upon any land or premises which are under his management and control or under the management and control of his servants or agents to run or flow into the waterworks or into any watercourse; or

- (h) constructs, alters or extends the service in his premises or connects any tap on his premises with the distributory pipes of the waterworks without the knowledge and consent of the Commission; or
- (i) negligently or improperly moves or injures any main or other pipe of the waterworks or obstructs the same; or
- (j) does or commits any other thing or act whatsoever whereby any water flowing to or from the waterworks is fouled or polluted or the flow thereof impeded or interrupted or the water is improperly abstracted or wasted; or
- (k) does, or wilfully or knowingly omits to do, any act or thing the wilful or knowing omission of which is by the regulations of the Commission declared to be an offence;

shall be guilty of an offence against this Act and on summary conviction thereof shall for every such offence be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment with or without hard labour for a term not exceeding three months or to both such fine and imprisonment.

Power to enter premises to examine as to waste.

68. The Commission or its duly authorised officer or servant may, between the hours of six o'clock in the morning and six o'clock in the afternoon, enter into any premises supplied with water from the waterworks in order to examine the service thereon and ascertain if there is any waste or misuse of such water. If any person lawfully claiming admission to any premises in pursuance of this section is refused admission into such premises or otherwise prevented from making such examination, the person so refusing admission or other-

wise preventing the examination, shall be liable on summary conviction to a fine not exceeding forty-eight dollars.

69. The permission of the Commission shall be obtained prior to installing on any premises a tank to be used for storing water supplied by the Commission. Any person acting in contravention of this section shall be liable on summary conviction to a fine not exceeding ninety-six dollars.

Possession of tank on premises without permission of Commission.

70. If any person supplied with water wilfully or by culpable negligence in any way injures or causes or suffers any pipe, valve, cock, cistern, bath, soil-pan, water-closet, or other apparatus or receptacle to be injured, damaged or tampered with, or to be out of repair, or to be so used that the water supplied to him is or is likely to be wasted, misused unduly consumed or contaminated, or so as to occasion or allow the return of foul air, or any noxious or impure matter into any pipe belonging to or in connection with the pipes of the waterworks, such person shall, for every such offence, be liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

Penalty for wilful injury of waste.

71. In case any damage shall result to the waterworks from the commission of any of the offences mentioned in the preceding sections, it shall be lawful for the Magistrate, in addition to any punishment he may inflict, to order the offender to make compensation to the Commission on such terms and conditions as he may think fit.

Damage to waterworks.

72.—(1) All offences against this Act or any regulations made thereunder may be prosecuted, and all rates, charges or claims under this Act may be sued for, by the Manager or by any other person authorised by the Commission in writing in that behalf before a Magistrate's Court.

Prosecutions and suits.

(2) The procedure shall be governed by the law for the time being in force regulating procedure in a Magistrate's Court.

(3) All penalties recovered under this Act or under any regulations made thereunder shall be paid to the Commission and shall be deemed to be revenues of the said Commission.

MISCELLANEOUS

Power of entry to inspect sources of water supply and to erect gauges.

73. The Commission or any person authorised on its behalf may enter into and upon and inspect any lands or premises adjacent to or in the neighbourhood of the waterworks, or of any watercourse from, to, through, along, or by which water is conducted and supplied to the waterworks, and to erect without permission and from time to time inspect, repair, replace or remove any gauge or any other measuring instrument or other appliance that the Commission may deem necessary.

Water supply may be cut off in certain cases.

74.—(1) If any person supplied with water wrongfully does or permits to be done anything in contravention of any of the provisions of this Act, or of the regulations made thereunder, or wrongfully fails to do anything which under any of such provisions ought to be done for the prevention of the waste, misuse or contamination of water, the Commission may, without prejudice to any other remedy in respect of any such act, neglect, or default, cut off or disconnect the supply of water to the premises of such person, and cease to supply water thereto, so long as the cause of waste, misuse or contamination remains, or is not remedied.

(2) It shall be lawful for the Commission, having given reasonable notice, to discontinue the supply of water to any premises where the person responsible for the payment of the rates and charges in respect of the supply of water to such premises is in arrear with any such payment due to the Commission from that person, until the arrear and the Commission's reasonable charge for reconnection of the service have been fully paid.

75. The Commission may at any time close any public tap which is left running or otherwise in such a condition as to cause waste or misuse of water.

Power to close public taps.

76.—(1) Subject to the provisions of this Act and of any provisional order, the Governor may, at the request of the Commission, make regulations for the following matters:—

Power to make regulations.

- (a) regulating the supply of water for sanitary and domestic purposes;
- (b) regulating the supply of water to ships;
- (c) regulating the supply of water by meter;
- (d) with respect to the time and mode of making application for any supply of water;
- (e) with respect to the manner of laying house services, the quantity of water to be supplied and the nature and quality of the meters and other appliances and apparatus to be used;
- (f) with respect to the circumstances in which a water supply shall be stopped;
- (g) with respect to the management and control of the waterworks and for the prevention of waste or misuse of water; and
- (h) the forms of all notices required to be given or sent under this Act and the issuing or service thereof.

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(2) No such regulations nor any alteration or repeal thereof shall have any force or effect until they have been published in the *Gazette*.

77.—(1) The quality of the water supplied by the Commission shall be under the control of the Minister through the Department of Public Health.

Quality of water supplied.

(2) Any person who fails to comply with the directions, instructions and standards set up for the quality of the water and any sanitary aspect of the waterworks shall be guilty of an offence under this Act.

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and on summary conviction be liable to a fine not exceeding one hundred dollars.

(3) Any officer of the Department of Public Health is authorised to enter the premises of any plant or waterworks for the purpose of inspecting or taking samples of water and of verifying that the directions, instructions and standards issued by the Department of Public Health are complied with.

Pollution
of water.

78. It shall be the duty of the Commission to prevent the pollution or contamination of the rivers, springs, wells, catchments areas or other water source or supply.

Saving of
existing
regulations.

79. All laws and rules (referred to in this Act as regulations) of the water authorities whose powers and duties are transferred by this Act shall, so far as they relate to or were made in pursuance of the powers and duties transferred, continue in force, as if they had been made by the Commission subject nevertheless to revocation or alteration in manner provided under this Act.

Saving of
pending
proceedings.

80. No action or proceeding pending or existing by or against any District Board or by or against the Saint George's Corporation or by or against the Central Water Authority in any matter affecting the supply and control of water shall be in any way affected by reason of the passing of this Act, but may be continued, prosecuted and enforced by or against the Commission as successors of the said District Board, Saint George's Corporation or Central Water Authority in like manner as if this Act had not been passed.

Repeal.

81. The following enactments are hereby repealed:—

Cap. 311,
No. 22 of
1960.

(a) the Water Supply Ordinance;
(b) the Water Supply (Amendment) Ordinance,
1960;

No. 4 of
1961.

(c) the Water Supply (Amendment) Ordinance,
1961;

No. 3 of
1961.

(d) section 121 of the Saint George's Corporation
Ordinance 1961.

82. Whenever the provisions of this Act or any rules or regulations made thereunder are in conflict or inconsistent with the provisions of any other law or rules relating to the control of water supply, including the imposition and collection of rates and charges therefor, the provisions of this Act and the rules and regulations made thereunder shall prevail.

Provision of this Act to prevail in cases of conflict.

83. For the avoidance of doubts it is hereby declared and confirmed that all the powers, rights and duties of the Central Water Authority, the District Boards and the Saint George's Corporation relating to the control of water supply, including the levying and collection of rates and charges therefor shall, from the commencement of this Act be transferred to the Central Water Commission established under the provisions of this Act.

Transfer of powers of Central Water Authority and local authorities.

Passed in the House of Representatives this 20th day of May, 1969.

CURTIS V. STRACHAN,
Clerk of the House of Representatives.

Passed in the Senate this 6th day of August, 1969.

CURTIS V. STRACHAN,
Clerk of the Senate.

GRENADA.

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