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G.N. 812/1953,  
L.N. 256/1963.

## THE WATER (UNDERTAKERS) RULES

### PRELIMINARY

1. These Rules may be cited as the Water (Undertakers) Rules.

2. (1) In these Rules, except where inconsistent with the context—

“building” includes a part of a building if that part is separately occupied;

“communication pipe” means any pipe leading from a main to the premises of any consumer as far as the boundary of such premises;

“consumer” means the owner or occupier of any premises to which a supply of water is maintained by a water undertaker, or any person entering into a contract with a water undertaker for a supply of water or who is lawfully obtaining water from a water undertaker;

“domestic purpose” means every kind of ordinary household purpose, but does not include the use of any boiler, engine or machine connected with any trade manufacture or business, any mining operations, the flushing of any sewer or drain, the cleansing of any road, path or pavement, or any garden purpose;

“main” means a pipe, aqueduct or other work laid by a water undertaker for the purpose of giving a general supply of water as distinct from a supply to individual consumers, and includes any apparatus used in connexion with such pipe, aqueduct or other work;

“occupier” includes any person in actual occupation of premises, without regard to the title under which he occupies, and, in the case of premises subdivided and let to various tenants, includes also the person receiving the rent payable by the tenants whether on his own account or as agent for the person entitled thereto or interested therein;

“owner” has the meaning assigned to it in regulation 2 of the Local Government Regulations, 1963;

“port authority” means the authority having the control of any port, harbour or dock;

“premises” includes any land, house, building, room or structure, whether public or private;

“road” includes a road reserve, a highway (including a highway over any bridge) and any street, lane, footway, square, court, alley or passage, or other public place whether a thoroughfare or not;

“road authority” means, in the case of a road maintainable at the public expense, the authority by whom that road is maintained;

“service pipe” means so much of any supply pipe as is not a communication pipe;

“supply pipe” means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap;

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"trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir, or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;

"water fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths, water-closets and other similar apparatus used in connexion with the supply and use of water.

(2) Any reference in these Rules to the person having control or management of a road or bridge shall be construed as a reference to the authority in which such road or bridge is vested, or to the owners of the soil of such road or the structure of such bridge.

#### APPOINTMENT OF WATER UNDERTAKERS

3. Any public or local authority which, or any person who, immediately before the commencement of the Act, carried on the business of a water undertaker shall apply to the Minister for appointment as a water undertaker under the Act.

4. (1) After the commencement of the Act any public or local authority or person proposing to become a water undertaker shall apply to the Minister for appointment under the Act.

(2) Such applicant shall give notice by public advertisement of the intended application not more than ninety nor less than sixty days before the application is made; every such advertisement shall be published once at least in each of two successive weeks in some one and the same newspaper circulating in the proposed area of supply, and shall contain the name and address of the applicant, the date of the intended application, a description of the area in which it is proposed to supply water and any further information which will enable the proposal to be fully understood.

(3) Every such notice shall state that any person desirous of making any representation on, or objection to, the application must do so by letter addressed to the Minister on or before the expiration of thirty days from the date of the application as stated in the notice, and that a copy of such representation or objection shall be forwarded to the applicant.

(4) The application shall be submitted to the Minister with such plans as may be necessary to show the proposed area of supply and with proofs of the publication of the notices by advertisement; and the applicant shall provide such further information and plans as the Minister may require.

(5) The Minister shall, after the expiration of thirty days from the date of the application, consider the application together with any representation or objection made, and, after such inquiry (if any) as he thinks necessary and after the submission of such further particulars as he may require, may, after consultation with the Water Resources Authority, refuse the application or grant the application for the area or part thereof on such terms and conditions as he may deem necessary.

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5. A water undertaker shall supply such information relating to his undertaking as the Minister may, from time to time, require.

#### WORKS AND LANDS

6. A water undertaker may, in, on or over any land held by him in connexion with his water undertaking, construct, lay or erect for the purposes thereof, or in connexion therewith, and may maintain, such reservoirs, tanks, aqueducts, mains, pipes, engines, pumps, machinery, filters, treatment plant, buildings or other works for, or in connexion with, the supply of water as he may deem necessary.

7. (1) A water undertaker may, within or outside his limits of supply and subject to the provisions of rules 9 to 14, inclusive, of these Rules lay and maintain a main—

(a) on any road or bridge with the consent of the person having control or management of such road or bridge:

Provided that such consent shall not be unreasonably withheld, and, where such consent is refused or unreasonably withheld or unreasonable conditions are attached to a consent, the water undertaker may apply to the Minister to dispense with such consent or unreasonable conditions and the Minister, in consultation with the road authority, may refuse the application or may grant it on such conditions as he may deem necessary;

(b) on or over land not forming part of a road or bridge, after giving thirty days' notice in writing to the owner or occupier of such land:

Provided that, if the owner or occupier of such land or any person who would be affected by the laying of such main objects thereto and serves notice of such objection on the water undertaker and on the Minister at any time within the period of the thirty days' notice, then the main shall not be laid without the consent of the Minister unless such objection is withdrawn; and the Minister may, after making such inquiry as he may consider necessary, make an order disallowing the laying of the main or allowing it upon such conditions as he may deem necessary.

(2) A water undertaker may in any road erect and maintain notices indicating the position of underground fittings used for the purpose of his undertaking, whether laid by virtue of this rule or otherwise, and may affix such notices to any house, building, wall or fence.

8. A water undertaker may, subject to the provisions of rules 9 to 14, inclusive, of these Rules, in any road or on any bridge within his limits of supply, lay such water fittings as he may deem necessary for supplying water to premises within the said limits, and may from time to time inspect, repair, alter or renew, and may at any time remove, any water fittings laid down in any road whether by virtue of this rule or otherwise.

## BREAKING OPEN ROADS, ETC.

9. A water undertaker may, within his limits of supply for the purpose of laying, constructing, inspecting, repairing, renewing or removing mains, water fittings, plant or other works, and outside his limits of supply for the purpose of laying, inspecting, repairing, renewing or removing mains, break open any road, sewer, drain or tunnel in or under such road, and may remove and use the soil or other materials so moved from in or under any such road.

10. Not less than four weeks before he commences to break open a road, sewer, drain or tunnel, the water undertaker shall give notice of his intention so to do, and of the time when he proposes to commence the work, to the person having control or management of such road, sewer, drain or tunnel:

Provided that, in cases of emergency arising from defects in any water fittings, plant or works, it shall be sufficient if notice is given as soon as possible after the necessity for the work becomes known to the water undertaker.

11. (1) A water undertaker shall not, except in cases of emergency arising from defects in any main, water fittings, plant or works, break open any road, sewer, drain or tunnel except under the supervision, if required, of, and in accordance with instructions and plans (if any) approved by, the person having control or management thereof, or his authorized agent:

Provided that, if any dispute arises in connexion with any instructions or plans submitted for approval, such dispute shall be referred to and decided by an arbitrator appointed, in default of agreement, by the Minister, and in cases where a sewer or drain is affected the arbitrator may direct the water undertaker to execute such work as he may deem necessary for preventing any temporary interruption of drainage through that sewer or drain, and the water undertaker shall comply with any direction so given.

(2) Notwithstanding anything contained in paragraph (1) of this rule, if the person having control or management of a road, sewer, drain or tunnel, or his authorized agent, after having received notice of the water undertaker's intention as required by rule 10 of these Rules, fails to question the sufficiency or propriety of any plans submitted to him or fails to submit any alternative plans to the water undertaker, or to issue instructions or attend and exercise supervision over the work, the water undertaker may proceed to carry out the work.

12. (1) Except in cases of emergency arising from defects in mains, water fittings, plant or works, a road, bridge or crossing over or under a railway or other works of a railway or port authority, which is under the control or management of, or maintainable by, a railway authority or port authority, shall not be broken open without the consent of such authority, but that consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be referred to, and be determined by, the Minister.

(2) Any work carried out under this rule shall be to the reasonable satisfaction of the engineer or other authorized officer of the railway or port authority.

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(3) If a water undertaker proposes to break open a road or bridge which forms a level crossing, or which crosses over or under a railway or other works of a railway authority or port authority, and which is not under the control or management of such authority, he shall give to the railway authority or port authority fourteen days' notice of his intention so to do, and of the time when he proposes to commence the work, and, if and in so far as the proposed work is likely to affect the structure of any bridge or other works belonging to the railway authority or port authority, shall carry out the work to the reasonable satisfaction of the engineer or other authorized officer of the railway or port authority in accordance with plans approved by him; and any dispute arising under this paragraph shall be referred to, and decided by, arbitration.

13. (1) When, for the purpose of executing any work, a water undertaker breaks open any road, sewer, drain or tunnel, he shall, with all convenient speed and to the reasonable satisfaction of the person having the control or management thereof, complete the work and fill and consolidate the ground and reinstate and make good the road, sewer, drain or tunnel, as the case may be, and remove all rubbish resulting from his operations, and shall, after replacing and making good the road, keep it in good repair for three months and for such further time, if any, not being more than twelve months in the whole, as the soil may continue to subside.

(2) So long as any such road remains broken open or obstructed, a water undertaker shall make adequate arrangements for the control of traffic, and shall cause the road to be properly fenced and guarded at all times and to be efficiently lighted between the hours of sunset and sunrise.

14. (1) A water undertaker, except where such water undertaker is a public or local authority, who contravenes any of the provisions of rules 9 to 13, inclusive, of these Rules shall be guilty of an offence and liable to a fine not exceeding one hundred shillings and to a further fine not exceeding one hundred shillings for each day on which the offence continues after notice thereof has been given to him by, or by an officer or agent of, the person aggrieved.

(2) If a water undertaker fails to comply with any of the requirements of rule 13 of these Rules, the person having the control or management of the road, sewer, drain or tunnel in question may, in addition to or in lieu of taking proceedings under paragraph (1) of this rule, himself execute any work necessary to remedy the default and may recover any expenses reasonably incurred by him in so doing from the water undertaker.

## SUPPLY OF WATER FOR DOMESTIC PURPOSES

15. (1) A water undertaker shall lay any necessary mains and bring water to any area within his limits of supply if he is required so to do by owners and occupiers of premises in that area who require a supply of water for domestic purposes.

(2) If a water undertaker does not, within twelve months of receipt of a requisition for a supply of water under this rule and of an agreement by the owners or occupiers of the premises to be supplied to such conditions as may be laid down by him, lay the

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necessary mains and bring water to the area in question in accordance with the requisition, he shall, except where such water undertaker is a public or local authority, be guilty of an offence and liable to a fine not exceeding one thousand shillings and to a further fine not exceeding one hundred shillings for each day on which his default continues after conviction thereof, unless he shows that the failure to do so was unavoidable:

Provided that, if it is proved to the satisfaction of the Minister that an insufficiency of water exists or the cost of laying such mains is excessive in relation to the water rates or charges which would be payable, or that the laying of such mains is impracticable, the Minister may direct that the provisions of this rule need not be complied with.

16. (1) Subject to rule 15 of these Rules, an owner or occupier of any premises within the limits of supply who has complied in respect of such premises with the provisions of these Rules relating to the laying of a service pipe and the payment or tender of any fees payable before water is supplied to such premises shall be entitled to demand and receive from a water undertaker a supply of water sufficient for domestic purposes for such premises, unless—

- (a) the works of the water undertaker are incapable of supplying such water; or
- (b) the taking of such water will prejudice the supply to an existing consumer; or
- (c) such supply cannot be made owing to the execution of necessary works, or owing to the failure of such owner or occupier to comply with any provision of law relating to the water undertaking; or
- (d) the supply is demanded from a trunk main.

(2) Any dispute as to the exceptions in paragraph (1) of this rule shall be determined by the Minister.

(3) Subject as aforementioned, if a water undertaker, not being a public or local authority, fails to furnish or maintain such supply, he shall, without prejudice to any civil liability, be guilty of an offence and liable to a fine not exceeding one hundred shillings and to a further fine not exceeding five shillings for each day on which the default continues after notice thereof from the person aggrieved.

17. A water undertaker shall provide in the mains and communication pipes of his works a supply of water sufficient for the domestic purposes of all owners and occupiers of premises within the limits of supply who under these Rules are entitled to such supply:

Provided that, where the water is mineralized and there is no satisfactory alternative supply and it is deemed by the Minister not to be economical to demineralize such water, this rule shall not apply.

18. (1) Where there exists within the limits of supply of a water undertaker a source of supply of water other than that supplied by the water undertaker which, in the opinion of a medical officer of health, does not provide a suitable supply of water for drinking and domestic purposes, the medical officer of health may order such alternative source of supply to be closed, and he may, by order, compel users of such water to take a supply from the water undertaker.

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(2) Upon such order being made, the owner or occupier of any premises, or any person, previously using the alternative supply shall use the water of the supply of the water undertaker.

(3) If the owner or occupier of any premises fails to comply with such order within fourteen days from the date thereof, the water undertaker, on receipt of a written order from a medical officer of health, may enter such premises and install the necessary water fittings and provide a supply of water, and may recover from such owner or occupier the expenses reasonably incurred in so doing.

#### SUPPLY OF WATER FOR PUBLIC PURPOSES

19. (1) At the request and expense of the fire authority concerned, a water undertaker shall, on such of the mains of his works as are, in the opinion of the Minister, suitable for supplying water for fire-fighting purposes, affix and maintain efficient fire hydrants at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out within the limits of supply.

(2) Any dispute as to the number or proper position of such hydrants shall be referred to, and determined by, the Minister.

20. As soon as any such hydrant is affixed, the water undertaker shall, at the request and expense of the fire authority, deposit a key of such hydrant at each place within the limits of supply where any public fire engine is kept, and in such other places as may be appointed by the fire authority.

21. At the request and expense of the owner or occupier of any factory or place of business at or near to a road containing a pipe (other than a trunk main) of a water undertaker, the water undertaker shall, so far as the dimensions of the pipe allow, affix and maintain one or more efficient hydrants as near as conveniently possible to such factory or place of business, and shall also at the expense of such owner or occupier comply in respect of each such hydrant with the provisions of rule 20 of these Rules.

22. A water undertaker shall allow all persons to take water for extinguishing fires from any pipe of the water undertaker's on which a hydrant is fixed, and he may, after use of such water, assess the consumption of the water through such hydrant and recover the cost thereof from the fire authority.

23. If a water undertaker, not being a public or local authority, fails within a reasonable time (unless prevented unavoidably or by the execution of necessary works) to comply with any of the provisions of rules 19 to 22, inclusive, of these Rules, he shall be guilty of an offence and liable to a fine not exceeding one thousand shillings and to a further fine not exceeding one hundred shillings for each day during which such failure continues after notice thereof from the authority or person concerned.

24. (1) From any pipe of a water undertaker on which a hydrant is fixed, he may provide a supply of water for cleansing sewers and drains, and for cleansing and watering roads.

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(2) Such supply shall be provided at such rates, in such quantities and upon such terms and conditions as may be agreed between the persons taking the water and the water undertaker, or, in default of agreement, as may be determined by the Minister.

LAYING AND MAINTENANCE OF SERVICE PIPES AND COMMUNICATION PIPES

25. (1) An owner or occupier of any premises within the limits of supply of a water undertaker who requires a supply of water from the works of such water undertaker shall make application, in writing, and in such manner as the water undertaker may require, for such supply.

(2) If the application has been approved by the water undertaker, the owner or occupier shall, subject as hereinafter provided, comply with the following requirements—

(a) he shall give to the water undertaker thirty days' clear notice of his intention to lay the necessary service pipe, and at or before the time of giving such notice shall pay or tender to him any fees payable in advance, and complete any agreement necessary, in respect of such supply; and

(b) he shall lay the service pipe at his own expense, having first obtained, in respect of any land not forming part of a road, the consent of the owners and occupiers thereof:

Provided that, where any part of the service pipe is to be laid in a road, he shall not himself break open such road or lay that part of the pipe.

26. (1) Upon receipt of a notice under rule 25 of these Rules, the water undertaker shall lay the necessary communication pipe and any part of the service pipe which is to be laid in a road, and shall connect the communication pipe with the service pipe:

Provided that, where any part of the supply pipe is to be laid in a road, the water undertaker may elect to lay a main in such road for such distance as he thinks fit in lieu of a supply pipe, and in that case shall lay a communication pipe from that main and connect it with the service pipe.

(2) If the water undertaker fails to carry out the said work within thirty days after the person by whom the notice was given has laid a service pipe in accordance with rule 25 of these Rules, he shall, except where such water undertaker is a public or local authority, be guilty of an offence and liable to a fine not exceeding one hundred shillings and to a further fine not exceeding five shillings for each day on which the default continues after the said thirty days, unless he shows that the failure was unavoidable.

(3) The expenses reasonably incurred by a water undertaker in executing the work which he is required or authorized by this rule to execute shall be repaid to him by the person by whom the notice was given:

Provided that, if under this rule a water undertaker lays a main in lieu of part of a supply pipe, the additional cost incurred in laying a main instead of a supply pipe shall be borne by him.

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(4) Notwithstanding the foregoing provisions of this rule, a water undertaker may within fourteen days of the receipt of a notice under rule 25 of these Rules require the person giving such notice to pay to him in advance the cost of the work as estimated by the water undertaker, or to give security for payment thereof to his satisfaction, and in either case the period of thirty days referred to in paragraph (2) of this rule shall not begin to run until such requirement has been met:

Provided that on completion of the work any estimated amount so paid in advance shall be adjusted to equal the actual cost.

(5) If, at the request of the person desiring the supply of water, the service pipe is laid by the water undertaker, the provisions of paragraphs (1) and (2) of this rule shall also apply to the recovery of the expenses incurred in the laying of the service pipe.

27. (1) Subject to the provisions of this rule, a water undertaker may require the provision of a separate supply pipe for each premises supplied, or to be supplied, by him with water.

(2) If, in the case of premises already supplied with water but not having a separate supply pipe, a water undertaker gives notice to the owner of the premises requiring the provision of such a pipe, the owner shall, within three months, lay so much of the required pipe as will constitute a service pipe and is not required to be laid in a road, and the water undertaker shall, within thirty days after he has done so, lay so much of the required pipe as will constitute a communication pipe or a service pipe to be laid in a road and make all necessary connexions.

(3) If an owner upon whom a notice has been served under paragraph (2) of this rule fails to comply with such notice, the water undertaker may himself execute the work which such owner was required to execute.

(4) The expenses reasonably incurred by a water undertaker in executing work under paragraph (2) or paragraph (3) of this rule shall be repaid to him by the owner of the premises, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the premises.

(5) If a water undertaker makes default in executing the work which he is required by paragraph (2) of this rule to execute, he shall, except where such water undertaker is a public or local authority, be guilty of an offence and liable to a fine not exceeding one hundred shillings and to a further fine not exceeding forty shillings for each day on which the default continues after the expiration of the said thirty days.

(6) Where, on the commencement of these Rules, two or more single premises were being supplied with water by a single supply pipe, a water undertaker shall not require the provision of separate supply pipes for such premises until—

(a) the existing supply pipe becomes so defective as to require renewal, or is no longer sufficient to meet the requirements of the premises; or

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- (b) the water rates or charges in respect of any such premises remain unpaid for one month after the end of the period for which they are due; or
- (c) the premises are, by structural alterations to one or more of them, converted into a larger number of premises.

28. Where any premises which are within the limits of supply abut on, or are situated near to, any road which is, as to the whole or part of its width, outside those limits, a water undertaker may, for the purpose of supplying water to the owner or occupier of such premises, exercise with respect to the whole width of the road the like powers of laying, inspecting, repairing, altering, renewing or removing water fittings and of breaking open the road for that purpose as are exercisable by him with respect to roads within the said limits, subject, however, to the like conditions and obligations.

29. (1) All communication pipes, whether laid before or after the commencement of these Rules, shall vest in a water undertaker, and the water undertaker shall, at his own expense, carry out any necessary works of maintenance, repair or renewal of such pipes and any work on his mains incidental thereto.

(2) A water undertaker shall also carry out any such necessary work in the case of so much of any service pipe as is laid in a road, and may recover the expenses reasonably incurred by him in so doing from the owner of the premises supplied by the pipe, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the premises.

(3) If a water undertaker fails to carry out any such necessary work with all reasonable despatch after service upon him of complaint of a defect from an owner or occupier of premises affected, he shall, except where such water undertaker is a public or local authority, be guilty of an offence and liable to a fine not exceeding one hundred shillings and to a further fine not exceeding five shillings for each day on which the default continues.

#### CHARGES FOR WATER

30. The charges in respect of water supplied, and for all other services for which a charge is made by a water undertaker, shall not exceed those embodied in the regulations of the water undertaker, or in the case of a method of charge approved by the Minister such charge as the Minister may determine in approving the method:

Provided that, if ordinary consumers in such numbers as the Minister may consider sufficient having regard to the circumstances at any time make representation to the Minister that the charges or method of charge ought to be altered, the Minister may, by order, vary the charges or method of charge stated in the regulations of the water undertaker, or substitute other charges or method of charge in lieu thereof, and the charges or method of charge so varied or substituted shall have effect on or after such day as may be mentioned in the order, as if they had been stated in the regulations.

31. (1) A water undertaker may allow discounts or rebates in consideration of prompt payment of water charges:

Provided that such discounts or rebates shall be at the same rate under like circumstances to all persons.

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(2) If, and so long as, a water undertaker allows such discounts or rebates, notice to the effect of the provisions of this rule shall be endorsed on every demand note for water charges.

32. (1) Where a water undertaker supplies water by meter, the register of the meter shall be prima facie evidence of the quantity of water consumed.

(2) Every consumer shall be bound by the entry in the books of the water undertaker showing the reading of the meter on the service pipe of the consumer in the absence of evidence showing either that such entry has been incorrectly made or that the meter was, at the time of such reading, in default, and it shall not be necessary to produce the person who read the meter, or the person who made any particular entry, to prove such reading or entry.

(3) If a consumer at any time is dissatisfied with any particular reading of a meter supplied by a water undertaker and requires the meter tested, he shall give notice to the water undertaker within seven days of notification of such reading, and the water undertaker shall test the meter; the consumer shall be given an opportunity of being present at the testing of the meter.

(4) If the meter on being tested is found to register incorrectly to any degree exceeding five per cent, it shall be deemed to be registering incorrectly, and the water undertaker shall repair or replace such meter as soon as possible.

(5) The quantity of water to be paid for by the consumer, from the date the meter ceased to register correctly up to the time of its repair or replacement, shall be estimated by the water undertaker—

(a) on the basis of the previous consumption of water by the consumer—

(i) by taking the average daily consumption for the month last preceding the date on which such meter was last examined and found in order; or

(ii) by taking an average of the quantity used during the previous three months; or

(iii) by taking the quantity used during the corresponding period of the previous year; or

(b) on the basis of the subsequent consumption registered after the repair or replacement of the meter; or

(c) by such other method as the water undertaker deems fit:

Provided that the amount charged shall be not less than that charged if no meter had been installed.

(6) The consumer shall pay the amount of such estimate within seven days of the date of notification thereof, unless such date is more than seven days before the date by which charges would have been payable in the ordinary course under these Rules, in which case such amount shall be payable on or before such last-mentioned date.

33. (1) Where any water charges due to a water undertaker under these Rules have remained unpaid for a period of seven days after the date of a warning notice demanding payment, the water undertaker may disconnect the supply of water to the premises in

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respect of which such debt has been incurred, and may restore such supply only on payment of such moneys that may have become due to the water undertaker under these Rules or under the regulations of the water undertaker.

(2) Nothing in paragraph (1) of this rule shall release any owner or occupier of premises from his liability to obtain a connexion with the water supply as provided in rule 18 of these Rules.

(3) Where a water undertaker supplies water in bulk to another water undertaker and that water undertaker supplies water to consumers, the Minister may, on being satisfied that the water undertaker receiving the bulk supply has neglected to pay any water charges due to the water undertaker supplying the water in bulk for a period of seven days after the date of a warning notice demanding payment, by order authorize the water undertaker supplying the water in bulk to collect from the consumers all charges payable by them to the water undertaker receiving the bulk supply, and every such consumer shall pay such charge accordingly; and any order made under this paragraph may contain such incidental, consequential and supplementary provisions as the Minister deems necessary or expedient for the purpose of carrying out such order.

34. (1) A consumer who is temporarily vacating his house or premises for a period of at least one calendar month may terminate his liability to water charges under these Rules by giving a water undertaker seventy-two hours' notice in writing.

(2) The consumer shall be responsible for all charges up to midnight on the day on which such notice expires, and to any other charges which may be provided for in the regulations of the water undertaker.

(3) Nothing in this rule shall release any owner or occupier of premises from his liability to obtain a connexion and to take a supply of water from a water undertaker as provided in rule 18 of these Rules.

#### PROVISIONS FOR PREVENTING WASTE, ETC., OF WATER, AND AS TO METERS AND OTHER FITTINGS

35. (1) Notwithstanding anything contained in these Rules or in any agreements or contracts, or in any regulations made under the Act, a water undertaker shall not be bound to supply water to any person or consumer whose premises are situated above the elevation which can be supplied by gravitation from the works of such water undertaker, or be liable to any penalty or damages for not supplying water to such person or consumer.

(2) Where a water undertaker supplies water to such premises referred to in paragraph (1) of this rule, he may require that such premises shall be provided with a cistern having a ball and stopcock fitted on the pipe conveying water to such premises, and may require that the cistern shall be capable of holding sufficient water to provide an adequate supply for a period of twenty-four hours.

(3) If a consumer, whom the water undertaker has in accordance with paragraph (2) of this rule required to provide a cistern, fails to comply with the requirement, or if a consumer fails to keep in good repair any cistern in use in his premises, or the ball and stopcock

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appurtenant to that cistern, the water undertaker may himself provide a cistern, or execute any repairs necessary to prevent waste of water, and may recover the expenses reasonably incurred by him in so doing from the owner of the premises, but without prejudice to the rights and obligations, as between themselves, of the owner and consumer.

36. A water undertaker may test any water fittings used in connexion with water supplied by him.

37. (1) If a water undertaker has reason to believe that some injury to, or defect in, a service pipe or water fitting which he is not under obligation to maintain is causing, or is likely to cause, waste of water or injury to person or property, he may execute such work as he considers necessary or expedient in the circumstances without being requested so to do, and, if any injury to or defect in the pipe or water fitting is discovered, the expenses reasonably incurred by the water undertaker in discovering it and executing repairs shall be recoverable by him from the owner of the premises supplied, but without prejudice to the rights and obligations, as between themselves, of the owner and occupier of such premises.

(2) Where several premises in the occupation of different persons are supplied with water by one common service pipe belonging to the owners or occupiers of such premises, any expenses incurred under paragraph (1) of this rule may be recovered by the water undertaker from such owners or occupiers in such proportions as, in case of dispute, may be settled by a court.

38. (1) Any person wilfully or negligently causing or suffering any water fitting which he is liable to maintain to—

(a) be or remain out of order or in need of repair; or

(b) be or remain so constructed or adapted, or be so used, that the water supplied to him by a water undertaker is, or is likely to be, wasted, misused or unduly consumed, or contaminated before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with a pipe belonging to, such water undertaker,

shall be guilty of an offence and liable to a fine not exceeding one hundred shillings.

(2) If any water fitting which any person is liable to maintain is in such condition, or so constructed or adapted, as aforesaid, a water undertaker, without prejudice to his rights to institute proceedings under paragraph (1) of this rule, may require such person to carry out any necessary repairs or alterations, and, if he fails so to do within forty-eight hours of the requirement, the water undertaker may carry out the work and recover from such person the expenses reasonably incurred by him in so doing.

39. (1) A consumer who, without the consent of the water undertaker giving the supply of water, supplies any such water to any person for use in other premises or wilfully permits any person to take any of such water for use in other premises shall, unless such other person requires the water for the purposes of extinguishing a fire or is a person supplied with water by the water undertaker but temporarily unable, through no default of his own, to obtain water, be guilty of an offence and liable to a fine not exceeding one hundred shillings.

[Subsidiary]

(2) Any person who unlawfully takes, uses or diverts water from a reservoir, watercourse, conduit, pipe or other works belonging to a water undertaker, or from a pipe leading to or from any such reservoir, watercourse, conduit, pipe or other works, or from a cistern or other receptacle containing water belonging to a water undertaker or supplied by him for the use of a consumer, shall be guilty of an offence and liable to a fine not exceeding one hundred shillings for each day the offence is committed.

(3) Any person who, having from a water undertaker a supply of water otherwise than by meter, uses any water so supplied to him for a purpose other than that for which he is entitled to use it shall be guilty of an offence and liable to a fine not exceeding forty shillings.

40. (1) Any person who fraudulently alters the index of any meter used by a water undertaker for measuring the water supplied by him, or prevents any such meter from registering correctly the quantity of water supplied, or fraudulently abstracts or uses water of the water undertaker, shall be guilty of an offence and liable to a fine not exceeding one hundred shillings, and the water undertaker may do such work as is necessary for securing the proper working of the meter, and may recover from the offender the expenses incurred by him in so doing.

(2) For the purposes of this rule, if it is proved that a consumer has altered the index of a meter, it shall rest upon him to prove that he did not alter it fraudulently, and the existence of any artificial means under the control of a consumer for preventing a meter from registering correctly or for enabling him fraudulently to abstract or use water shall be evidence that he has fraudulently prevented the meter from registering correctly or, as the case may be, has fraudulently abstracted or used water.

41. Any person who—

- (a) wilfully and without the consent of a water undertaker; or
- (b) negligently,

interferes with the supply of water by turning on, opening, closing or otherwise interfering with any valve, cock or other works or apparatus of a water undertaker shall be guilty of an offence:

Provided that this rule shall not apply to a consumer closing the stopcock fixed on the service pipe supplying his premises, so long as he has obtained the consent of any consumer whose supply would be affected thereby.

42. (1) Any person who, without the consent of a water undertaker, attaches any pipe or apparatus to a pipe belonging to such water undertaker, or makes any alteration in a service pipe, or in any apparatus attached to a service pipe, shall be guilty of an offence, and any person who uses any pipe or apparatus which has been so attached, or altered, shall also be guilty of an offence unless he proves that he did not know, and had no grounds for suspecting, that it had been so attached or altered.

(2) When an offence under this rule has been committed, the water undertaker may recover from such offender the amount of any damage sustained by him and the value of any water wasted, misused or improperly consumed.

## [Subsidiary]

43. (1) A consumer shall not, without the consent of a water undertaker, connect or disconnect any meter by means of which water supplied by the water undertaker is intended to be, or has been, measured for the purposes of the payment to be made to him; and, in the event of any connexion, disconnexion or repairs being found necessary, he shall give to the water undertaker not less than twenty-four hours' notice of his requirements and of the time when the work can be commenced, and, thereupon the water undertaker shall carry out the necessary work and may recover from such consumer the expenses reasonably incurred by him in so doing.

(2) A water undertaker may, at his own discretion, remove any meter and affix and substitute any other meter.

(3) A consumer who contravenes any of the provisions of this rule, and a water undertaker who fails to carry out, with all reasonable despatch, any such work as aforesaid, shall, except where such water undertaker is a public or local authority, be guilty of an offence and liable to a fine not exceeding forty shillings.

44. (1) Subject to the provisions of rules 9 to 14, inclusive, of these Rules with respect to the breaking open of roads, a water undertaker may, for the purpose of measuring the quantity of water supplied or preventing and detecting waste, affix and maintain water fittings on mains, communication pipes and service pipes and may insert in any road, but as near as is reasonably practicable to the boundary thereof, the necessary covers or boxes for giving access and protection thereto, and may for that purpose temporarily obstruct, break open and interfere with roads, sewers, pipes, wires and apparatus:

Provided that the water undertaker shall not in so doing interfere with—

- (i) any telegraphic line or apparatus belonging to or used by the Postmaster-General; or
- (ii) any works or apparatus of any electricity undertaker, except with the permission of such undertaker.

(2) A consumer shall, if required by a water undertaker, provide a suitable and safe place within his premises in which to fix a meter or shut-off cock; the position of all meters or shut-off cocks shall remain clearly defined, and the box enclosing any such meter or cock must always be exposed to view; and the shut-off cock shall be for the water undertaker's own exclusive use.

(3) A consumer on whose service pipe any such meter is fixed shall be responsible for the safe keeping and condition of the meter, and any damage or injury sustained to such meter shall be deemed to have been done by such consumer unless the contrary is proved; the cost of replacing or repairing a meter so damaged or injured shall be paid by the consumer and shall be recoverable in the same manner as water charges are recoverable under these Rules.

(4) Any meter, together with all fittings connected therewith, installed under this rule shall be and shall remain the property of the water undertaker, and any unauthorized person removing, damaging or interfering with any such meter shall be guilty of an offence.

[Subsidiary]

45. (1) A water undertaker may, at his sole discretion, permit any consumer to be supplied through a private meter supplied by the consumer, but no private meter shall be installed until the written permission of the water undertaker has been obtained and the meter has been tested and approved by the water undertaker.

(2) The consumer shall pay for the cost of testing and fixing such meter.

46. Where any private meter needs repair, the consumer shall give written notice to the water undertaker, and such meter shall be repaired by the consumer, at his own expense, to the satisfaction of the water undertaker, who may make such arrangements for ascertaining the amount of water supplied to the consumer during the repair of the meter as he may deem fit:

Provided that such meter may be tested by the water undertaker, at the expense of the consumer, before its reinstatement.

47. (1) A water undertaker shall have the right, from time to time, to test any private meter, and if such meter is found to be incorrect the consumer shall pay to the water undertaker a sum of twenty shillings together with the cost of conveying the meter to and from the place of testing.

(2) The meter shall be considered correct if no error shall be shown of more than five per cent either way.

48. If a private meter at any time is out of order and registering incorrectly, the quantity of water to be paid for by the consumer shall be estimated by the water undertaker in the manner provided for in paragraph (5) of rule 32 of these Rules.

49. (1) No consumer shall install or have installed water fittings with materials which, in the opinion of the water undertaker giving the supply, are unfit for the purpose and which, in the opinion of such water undertaker, would give trouble, cause leaks in the supply or in any way endanger, detract from the usefulness of, contaminate or affect the water supply.

(2) All water fittings to be installed shall, before installation, be approved by such water undertaker or his authorized agent.

(3) The diameter of all pipes to be installed on a consumer's premises shall be determined by the water undertaker giving the supply, and no pipe other than of the size approved by such water undertaker shall be installed.

(4) Any consumer using on his premises or any person fixing, causing or suffering to be fixed any water fitting, for the purpose of obtaining a supply of water from a water undertaker, which has not been approved by such water undertaker shall be guilty of an offence, and, whether proceedings be taken in respect of the offence or not, such water undertaker may replace any water fitting not approved by him and may recover from the consumer all reasonable charges in connexion with such replacement.

50. (1) No person shall have a connexion made from the water supply of a water undertaker to any installation, plant or other works, not being works for a supply of water for domestic purposes, without the written permission of such water undertaker.

## Subsidiary]

(2) Such permission may be granted on such terms and conditions as the water undertaker may, at his sole discretion, decide after receipt of an application giving full particulars of such installation, plant or other works, and the estimated amount of water required daily.

51. No person shall cause a water fitting to communicate with any pipe, cistern or other receptacle or works used, or capable of being used, for the conveyance or reception of water other than water supplied by a water undertaker.

52. (1) A consumer shall provide at his standpipe (if any) a concrete basin and, for the disposal of all waste water from the connexion, such soakaway pit or drain as required by a water undertaker or medical officer of health.

(2) A water undertaker shall not turn on a supply of water until such works have been completed and approved by him or the medical officer of health.

53. No newly laid pipe or other water fitting shall, in the course of installation or alteration by any person other than a water undertaker, be covered until such pipe or water fitting has been examined and approved by such water undertaker or other person authorized by him.

54. No pipe or other water fitting shall be connected with a main, and no additional water fittings, except taps replacing old taps, shall be connected with existing water fittings, until they have been inspected by the water undertaker giving the supply and a certificate of approval given by him.

55. (1) On every supply pipe laid after the commencement of these Rules a water undertaker shall, and on every supply pipe laid before such commencement a water undertaker may, fit a stopcock enclosed in a covered box or pit, of such size as may be reasonably necessary.

(2) Every stopcock fitted on a supply pipe after the commencement of these Rules shall be placed in such position as a water undertaker may deem most convenient:

Provided that—

(i) a stopcock in private premises shall be placed as near as is reasonably practicable to the road from which the supply pipe enters those premises; and

(ii) a stopcock in a road shall, after consultation with the road authority, be placed as near to the boundary thereof as is reasonably practicable.

56. When a supply of water to a consumer is taken through a meter, no person other than a water undertaker shall close down any stopcock or shut-off cock or insert any obstruction or orifice in any pipe or water fitting so as to reduce the rate of entry of water into any tank or other receptacle:

Provided that a water undertaker may at his discretion give consent to the insertion of an orifice of such size and of such material as he may from time to time specify.

[Subsidiary]

## FINANCIAL PROVISIONS APPLICABLE TO WATER UNDERTAKERS

57. (1) A water undertaker shall keep the accounts of each and all his water undertakings separate and distinct from the accounts of any other business transacted by him.

(2) This rule and rules 58 to 62, inclusive, of these Rules shall not apply to water undertakings which are operated by a public or local authority.

58. (1) The annual statement of accounts of a water undertaker shall be examined and audited by such competent and impartial person as the Minister may appoint or approve.

(2) A water undertaker shall give to the auditor and his assistants access to such books and documents relating to his water undertakings as are necessary for the purposes of audit, and shall when required furnish to him and them all vouchers and information requisite for that purpose, and shall afford him and them all facilities for the proper execution of his and their duty.

(3) Any report, or a copy thereof, made by the auditor shall be forwarded by the water undertaker to the Minister.

59. (1) A water undertaker shall, subject to the provisions of this rule, by setting apart in any year out of revenue such sums as he deems fit, form and maintain—

(a) a reserve fund, for the purpose of making good any deficiency which may at any time occur in the amount of divisible profits, or of meeting any extraordinary claim or demand which may at any time be made upon him; and

(b) a contingency fund, for the purpose of meeting contingencies or defraying the cost of renewing, repairing, enlarging or improving any part of the works forming part of his water undertaking.

(2) Any sums set apart for the formation or maintenance of a reserve or contingency fund may from time to time be invested in securities in which trustees are authorized to invest trust moneys, and, subject to the provisions of paragraph (4) of this rule, the dividends and interest arising from such securities may also be invested in the same or like securities so as to accumulate at compound interest for the credit of the fund in question.

(3) A water undertaker shall transfer to any reserve fund or contingency fund formed under the foregoing provisions of this rule any sum then standing to the credit of any existing reserve fund or contingency fund, as the case may be.

(4) Whenever, and so long as, the aggregate amount standing to the credit of the reserve or contingency fund together amounts to (or, by reason of such transfer as aforesaid, exceeds) a sum which may be specified by the Minister, no contribution from the revenue of the undertaking shall be made to either of the funds, and the interest and dividends on the funds shall not be invested but shall be treated as income of the undertaking.

## Subsidiary]

(5) The aggregate amount which, subject to the provisions of paragraph (4) of this rule, may be carried by a water undertaker in any year to the formation or maintenance of the reserve fund and contingency fund shall not exceed a sum equal to five per cent of the capital expenditure theretofore incurred by such water undertaker for the purposes of his undertaking.

60. (1) It shall not be lawful for a water undertaker to carry forward at the end of any year to the credit of the profit and loss (net revenue) account any sum exceeding the total of the following amounts, that is to say—

- (a) the amount required for paying any dividend or interest which he is entitled, or required to pay, but has not paid, in respect of that year;
- (b) an amount equal to the total sum which he will be required to pay during the next following year as interest on any mortgages or debenture stock; and
- (c) an amount equal to the total sum which he might lawfully distribute as dividends on the preference and ordinary capital of the undertaking in respect of the next following year.

(2) Any sum which, but for the provisions of this rule, might at the end of any year have been so carried forward as aforesaid shall be applied towards the reduction of water charges in future years.

61. (1) A water undertaker may—

- (a) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependants of, his employees;
- (b) establish contributory superannuation schemes, and establish and contribute to superannuation funds for the benefit of his employees;
- (c) enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee, widow, family or dependant such gratuities, pensions or allowances as are by this rule authorized to be granted;
- (d) give donations or subscriptions to charitable institutions, sick funds, benevolent funds or other objects calculated to benefit his employees;
- (e) subscribe to the funds of any association formed for the purpose of furthering the interests of water undertakers;
- (f) make contributions for furthering research in matters with which water undertakers are concerned.

(2) No employee of a water undertaker shall be required to become a contributor to any superannuation fund established under this rule until the fund has been registered under the law for the time being in force for the registration of such funds.

## GENERAL AND MISCELLANEOUS

62. A consumer who wishes the supply of water to his premises to be discontinued shall give not less than twenty-four hours' notice to the water undertaker giving the supply.

[Subsidiary]

63. A water undertaker, before commencing to execute repairs or other work which will cause any material interference with the supply of water, shall, except in a case of emergency, give to all consumers likely to be affected such notice as is reasonably practicable, and shall complete the work with all reasonable despatch.

64. (1) A water undertaker may, upon application of the person requiring a supply of water, make temporary connexions with the mains of his supply for the supply of water for building or other purposes, and the charges to be paid for the water supplied shall be as prescribed in the regulations of the water undertaker.

(2) Such pipes and fittings required for the temporary connexion may be provided by the water undertaker, and the cost thereof, together with the cost of the execution of the work for the laying thereof, shall be borne by the person requiring the supply, and such cost, together with the charges for water supplied, may be recoverable in the same manner in which water charges are recoverable.

(3) The same pipes and fittings as used for a temporary connexion may, if in the opinion of the water undertaker they are suitable for the purpose, be used for any subsequent permanent supply to any premises for which the temporary connexion was made, but no permanent connexion shall be made until all the provisions of these Rules have been complied with.

65. Notwithstanding anything contained in rule 17 of these Rules, a water undertaker shall not be liable for any temporary failure in a supply of water or any defect in the quality of water supplied which may be due to circumstances beyond the control of such water undertaker.

66. A water undertaker, without paying compensation and without prejudicing his right to recover all payments due from a consumer or owner, may summarily discontinue the supply of water to any consumer—

(a) if the consumer or owner has injured, or suffered injury to be inflicted upon, any portion of the works of the undertaking of the water undertaker; or

(b) if the consumer or owner has committed a breach of these Rules or of the regulations of the water undertaker.

67. Where provision is made under these Rules for the imposition of a daily penalty in respect of a continuing offence, the court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court, and, where the court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

68. Where no express provision in respect to compensation is made in these Rules, a water undertaker shall pay to the owners and occupiers of any lands taken or used under authority of these Rules, or injuriously affected by the construction or maintenance of works authorized or otherwise by the execution of the powers conferred by these Rules, compensation for the value of the lands so taken or used and for all damage sustained by such owners or occupiers by reason of the exercise as to such lands of the powers conferred on a water undertaker by these Rules:

**Subsidiary]**

ap. 292.  
ap. 280.

Provided that this rule shall not apply to a public or local authority where the powers under the Wayleaves Act or the Government Lands Act are exercised.

69. (1) Nothing in these Rules shall authorize a water undertaker without the consent of the port authority concerned—

(a) to interfere with any dock, harbour or basin so as to injuriously affect navigation thereon, or the use thereof or the access thereto;

(b) to interfere with any bridge crossing any dock, harbour or basin;

(c) to execute any works in, across or under any dock, harbour, basin, wharf, quay or any land which belongs to a port authority and is held or used by them for the purpose of their undertaking;

(d) to execute any works which will interfere with the improvement of, or the access to, any dock, harbour or basin, or with any works appurtenant thereto or any land necessary for the enjoyment or improvement thereof;

or without the consent of a railway authority to execute any works along, across or under any railway of such railway authority.

(2) For the purposes of this rule, a port authority shall be deemed to be concerned with any river, dock, harbour, basin, reservoir, wharf, quay or land if it belongs to them and forms part of their undertaking, or if they have statutory rights of navigating on or using it, or of demanding tolls or dues in respect of navigation on or the use thereof.

(3) Nothing in this rule shall be construed as limiting the powers of a water undertaker under these Rules in respect of the opening and breaking up of roads and bridges.

70. It shall be unlawful for any person to use water from a public fountain except for consumption at the fountain.

71. A water undertaker shall, at all times after the expiration of six months from the date on which these Rules were made, keep a copy thereof at his principal office.

72. Any person who is guilty of an offence under these Rules shall, unless specifically provided for in these Rules, be liable to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding two months, or to both such fine and such imprisonment.